



ORDINARY MEETING OF COUNCIL

Open Agenda

Meeting Date: Thursday 23 May 2024

Time: 9.30am

Venue: Large Exhibition Hall
War Memorial Centre
Marine Parade
Napier

Livestreamed via Council's Facebook page

Council Members **Chair:** Mayor Wise

Members: Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Greig, Mawson, McGrath, Price, Simpson, Tareha and Taylor

Officer Responsible Chief Executive

Administrator Governance Team

Next Council Meeting
Monday 27 May 2024

2022-2025 TERM OF REFERENCE - COUNCIL

<i>Chairperson</i>	<i>Her Worship Mayor Kirsten Wise</i>
<i>Deputy Chairperson</i>	<i>Deputy Mayor Annette Brosnan</i>
<i>Membership</i>	<i>All elected members</i>
<i>Quorum</i>	<i>7</i>
<i>Meeting frequency</i>	<i>At least 6 weekly and as required</i>
<i>Executive</i>	<i>Chief Executive</i>

Purpose

The Council is responsible for:

1. Providing leadership to and advocacy on behalf of the people of Napier.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

The Council is responsible for the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body¹:

1. The power to make a rate
2. The power to make a bylaw
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
4. The power to adopt a long-term plan, annual plan, or annual report
5. The power to appoint a chief executive
6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement, including the 30-Year Infrastructure Strategy
7. The power to adopt a remuneration and employment policy.
8. The power to establish a joint committee with another local authority or other public body².
9. The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
10. The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
11. The power to make a final decision whether to adopt, amend, revoke, or replace a local Easter Sunday shop trading policy, or to continue a local Easter Sunday shop trading policy without amendment following a review.³

1 Schedule 7, clause 32. Local Government Act 2002.

2 Schedule 7, clause 30A

3 Shop Trading Hours Act 1990, section 5D.

Delegated Power to Act

The Council retains all decision making authority, and will consider recommendations of its committees prior to resolving a position.

Specific matters that will be considered directly by Council include without limitation unless by statute:

1. Direction and guidance in relation to all stages of the preparation of Long Term Plans and Annual Plans
2. Approval or amendment of the Council's Standing Orders⁴.
3. Approval or amendment the Code of Conduct for Elected Members⁵.
4. Appointment and discharging of committees, subcommittees, and any other subordinate decision-making bodies⁶.
5. Approval of any changes to the nature and delegations of any Committees.
6. Appointment and discharging of members of committees (as required and in line with legislation in relation to the role and powers of the Mayor) ⁷.
7. Approval of governance level strategies, plans and policies which advance council's vision and strategic goals.
8. Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer.
9. Reviewing of representation arrangements, at least six yearly⁸.
10. Approval of any changes to city boundaries under the Resource Management Act.
11. Appointment or removal of trustees, directors or office holders to Council's Council-Controlled Organisations (CCOs) and Council Organisations (COs) and to other external bodies.
12. Approval the Local Governance Statement as required under the Local Government Act 2002.
13. Approval of the Triennial Agreement as required under the Local Government Act 2002.
14. Allocation of the remuneration pool set by the Remuneration Authority for the remuneration of elected members.
15. To consider and decide tenders for the supply of goods and services, where tenders exceed the Chief Executive's delegated authority, or where projects are formally identified by Council to be of particular interest. In addition, in the case of the latter, milestone reporting to Council will commence prior to the procurement process.

4 Schedule 7, clause 27,

5 Schedule 7, clause 15,

6 Schedule 7, clause 30,

7 Schedule 7, clause 30,

8 Local Electoral Act 2001, section 19H.

ORDER OF BUSINESS

Karakia

Apologies

Councillor Mawson

Conflicts of interest

Public forum

Announcements by the Mayor including notification of minor matters not on the agenda

Note: re minor matters only - refer LGOIMA s46A(7A) and Standing Orders s9.13

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

Announcements by the management

Confirmation of minutes

That the Draft Minutes of the Ordinary Meeting of Council held on Thursday, 18 April 2024 be confirmed as a true and accurate record of the meeting.67

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Minor matters not on the agenda – discussion (if any)

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AGENDA ITEMS

1. SIGNIFIANCE AND ENGAGEMENT POLICY

<i>Type of Report:</i>	Enter Significance of Report
<i>Legal Reference:</i>	Enter Legal Reference
<i>Document ID:</i>	1756239
<i>Reporting Officer/s & Unit:</i>	Anne Bradbury, Manager Community Strategies

1.1 Purpose of Report

On 14 March 2024, Council resolved to adopt the amended Significance and Engagement Policy as a draft for community consultation. This report outlines the submissions we received on the draft Significance and Engagement Policy which we consulted on from 25 March to 26 April. Officers recommend the draft Significance and Engagement Policy is adopted by Council.

Officer’s Recommendation

That Council:

- a. **Adopt** the Significance and Engagement Policy (Doc Id 1759404) as shown in Attachment 1 of the agenda report.

1.2 Background Summary

Under section 76AA of the Local Government Act 2002 (LGA 2002) every local authority must adopt a policy that details their approach to significance and engagement. Napier City Council has adopted a policy to meet our obligations set out by this section. This policy was recently reviewed and changes were recommended for the following reasons:

- Wording and structure changes to provide more clarity, consistency, and readability.
- Additional wording to explain Council’s decision-making process to conceptualise the place of this policy in the process.
- Additional wording to refer to the Iwi Engagement Policy to explain its purpose and that while it is a separate policy, it is aligned with this policy. Advice from Simpson Grierson was to keep the two policies separate since the Significance and Engagement Policy is a statutory requirement, whereas the Iwi Engagement Policy is not. Additionally, the Iwi Engagement Policy refers to all engagement by the Council.
- Additional wording to outline how findings on significance are documented by officers in relation to matters, issues or proposals taken to Council.
- Specifically naming the different Council Housing villages and Lagoon Farm under ‘Schedule 2: Strategic Assets’ to provide more accuracy around what is included.

On 14 March 2024 Council resolved to adopt the amended Significance and Engagement Policy as a draft for community consultation. The policy is shown in **Attachment 1** (Doc Id 1759404).

Consultation on Draft Significance and Engagement Policy

Under section 76AA of the LGA 2002, when adopting or amending this policy the local authority must consult in accordance with section 82 of the LGA 2002 unless it considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.

The draft policy was consulted on from 25 March to 26 April at the same time the Three-Year Plan was being consulted on.

1.3 Issues

The submissions and managers comments on the submissions are shown in **Attachment 2** (Doc Id 1759403) and are outlined below.

Analysis of submissions

We received 15 submissions on the draft Significance and Engagement Policy. Seven of the submitters supported the proposed amendments to the Significance and Engagement Policy and eight submitters did not agree with the proposed amendments.

Submissions that support the proposed changes

Seven of the submitters supported the changes and two of them provided comments. Attachment 2 shows the Manager's comments in response to the two submitters that provided comments.

The submitters provided ideas on an engagement tools that can be used and one submitter gave other suggestions on the policy and wanted the Council to be open and transparent. Officers consider that the Significance and Engagement Policy requires the Council to engage with our community on significant issues and assets as part of a transparent process.

Submitter 12 would like to speak to their submission at this Council meeting. This submitter supported the changes.

Submissions that oppose the proposed changes

Eight submitters did not support the proposed amendments and six of them provided comments. Attachment 2 shows the Manager's comments in response to the six submitters that provided comments.

Themes coming out of the comments are about the Council not consulting with residents before making decisions, and about not wanting the Council to waste money. Some of the comments seemed to be general comments on the Council's activities rather than directly linked to the draft Significance and Engagement Policy.

The Significance and Engagement Policy is a legislative requirement and our policy was last updated in 2017. Officers considered the policy needed to be updated and the amendments make the policy more readable and understandable. While the Significance and Engagement Policy only details our approach to significant issue and activities, it does provide a way for the Council to engage with our community which helps the Council make decisions that reflect the voice of the community. The Council also engages with our community on other issues and activities that are not significant.

1.4 Significance and Engagement

Under section 76AA of the LGA 2002, when adopting or amending this policy the local authority must consult in accordance with section 82 of the LGA 2002 unless it considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.

The draft policy was consulted on as part of our Three-Year Plan consultation from 25 March to 26 April and the consultation responses have been considered by Officers and outlined in Attachment 2.

1.5 Implications

Financial

N/A

Social & Policy

The amendments to the Significance and Engagement Policy help explain the decision-making process and they give more clarity to the policy. The draft policy will make it easier for our communities to participate in and inform the Council's decision-making on our significant issues and assets. This will enable Council to make decisions that reflect the voice of our community.

Risk

The draft policy provides more clarity to the policy and more accuracy to our list of strategic assets, this will help to reduce risk to Council.

1.6 Options

The options available to Council are as follows:

- a. Adopt the draft Significance and Engagement Policy as shown in Attachment 1 (preferred option).
- b. Continue with the existing policy.

1.7 Development of Preferred Option

The preferred option is option a: Adopt the Significance and Engagement Policy. This is the preferred option because the draft Significance and Engagement Policy is clearer and more transparent than the older policy and because the submissions on the draft policy support the changes. While there were submissions that did not support the changes some of these submissions were general submissions and some did not impact on the draft policy.

The older policy is not as clear and readable as the draft policy so Officers do not recommend option b.

1.8 Attachments

- 1 Significance and Engagement Policy (Doc Id 1759404) [↓](#)
- 2 Submissions on the Significance and Engagement Policy (Doc Id 1759403) [↓](#)

PUBLIC POLICY



Significance and Engagement Policy			
Adopted By	Napier City Council		
Department	Community Services		
Original Adoption Date	20 December 2017	Review Adoption Date	23 May 2024
Relevant Legislation	Local Government Act 2002 (LGA 2002)		

Purpose

The purpose of this policy is to provide clarity on when and how the community may be engaged in decision-making processes by the Napier City Council. It has been prepared to assist the Council and the community with identifying the degree of significance attached to particular issues, proposals, assets, decisions, and activities, and then identify the various ways in which the Council might engage with the community to obtain views and feedback.

Rationale

Community engagement allows the community to participate in, and inform, the Council's decision-making processes. Providing opportunities for engagement, where required, can assist with improving confidence in Council decision-making processes, and decisions. In general, engagement, whether it is a statutory requirement or not, helps the Council understand varied points of view. This in turn enables the Council to make better decisions and deliver better services for Napier, by reflecting the aspirations of mana whenua, residents, ratepayers, community groups and businesses.

Overview of Council decision-making and the role of this Policy

Under the Local Government Act 2002, the Council is charged with enabling democratic decision-making by and on behalf of communities. The Council makes a wide range of decisions, and other than when it is required to consult, has to determine whether to engage and, if so, how, with its community (or groups or individuals within the community).

The Council makes these determinations based on a range of factors, including the significance of the matter being considered. This policy is for the purpose of guiding the Council's approach to determining significance, and the way in which engagement or consultation will or may occur.

The Council, and its community boards, must ensure that all decision-making requirements, including those relating to consultation and engagement, are properly complied with when making decisions.

Structure

There are three key parts of this policy:

- **Significance (p2 to p3)** – this section outlines what significance is, and how the assessment of significance is undertaken and documented.
- **Engagement (p3 to p6)** – this section discusses when and how Council will engage with communities, and when it will not.
- **Strategic assets (p8 to p9)** – Schedules 1 and 2 identify the Council's strategic assets. The significance section explains why it matters that something is a strategic asset.

Significance

General Approach

The Council needs to assess the degree of significance of matters and proposed decisions as part of its decision-making. Where a decision is of higher significance the more rigorous the Council needs to be in complying with its legal obligations. This means that an assessment of significance is generally one of the first actions the Council will take in the decision-making process.

Significance means the degree of importance of the matter, issue, proposal or decision, in terms of its likely impact on and consequences for:

- Parts of the city, the city as a whole, or the region
- Any persons who are likely to be particularly affected by or interested in the matter, issue, proposal or decision
- The achievement of, or means to achieve, Council's stated levels of service as set out in the current Long Term Plan
- The capacity of the Council to perform its role and carry out its activities, now and in the future
- The financial, resource and other costs of the decision, or whether these are already included in an approved Long Term Plan.

Factors for Significance

Significance is assessed on a case-by-case basis. However, the assessment can be assisted and guided by relevant factors, including:

- the impact or consequences for affected residents or ratepayers and/or groups of residents or ratepayers
- financial impact on Council's overall resources and rating levels, including the cost of the decision (both capital and operating expenditure)
- impact on levels of service
- the involvement of a strategic asset
- consistency with current Council policy, strategy, outcomes or priorities
- the level of community interest in a matter or proposed decision
- the extent to which the decision can be reversed

Guidelines to help assess significance based on the above factors, and whether something would be regarded as of low or high significance, are outlined in Schedule 3. The significance of a matter may sit somewhere along the continuum between low to high significance. Ultimately, in assessing the significance of a decision, Council will need to have regard to all relevant circumstances, factors and interests.

How does Council document significance?

Where a matter, issue or proposed decision is being reported to the Council, or a committee or community board, the outcome of the significance assessment should be documented within the report. If members do not agree with the significance assessment, minutes should record this (along with reasoning), but this is not mandatory.

Where decisions are made by officers under delegated authority, without any report to Council, a committee or community board, documentation of the significance assessment is at officers' discretion. Officers are not obliged to record their significance assessments, but it is good practice to keep some form of written record of the significance assessment (especially where the decision is toward the higher end of the significance continuum).

Strategic assets

Our strategic assets or groups of assets include those physical assets vital for delivering services to Napier and/or are important to achieve or promote any outcome that is important to the current or future well-being of our community. Strategic assets are the group of assets or the asset as a whole and not the individual elements of the asset. We also have some iconic assets of significance that are dealt with through heritage requirements. Council's strategic assets are listed in Schedule 2.

Any decision that transfers ownership or control of a strategic asset to or from Council, can only be taken if explicitly provided for in the Council's Long Term Plan and consulted on in accordance with section 93E of the LGA 2002.

The approach to an engagement or consultation on other decisions regarding strategic assets will be determined in light of the level of significance of the relevant proposal (see section on significance above).

Engagement

Community engagement is a process involving all or some of the community and is focussed on decision-making or problem solving. Council is likely to engage when a matter, issue, proposal or decision is of higher significance. It will also consult when required by legislation, such as consultation using the special consultative procedure (outlined below), or in a manner that gives effect to the principles in section 82 (see section 82A LGA 2002).

The Council will not engage on every decision or matter. To do so would be inefficient and costly.

Engagement is to be proportionate to the matter being considered and will be conducted in accordance with our principles above, and those in section 82 of the LGA 2002. An engagement process may be for a single matter or could be part of a combined consultation, where that is appropriate.

The Engagement Spectrum, based on the International Association of Public Participation (IAP2), assists the Council to determine the approach we might take to engaging with the community on a case-by-case basis (noting that the inform part of the IAP2 spectrum does not involve an engagement process prior to a decision being made). The consult option brings in a wider range of engagement types than just statutory consultation under the LGA 2002.

A combination of approaches may be used on any given engagement process. The detailed Engagement Spectrum (Schedule 4) outlines approaches, methods and tools. The approach and methods for engagement on matters of higher significance will be outlined in an engagement plan.

2. NAPIER HASTINGS JOINT ALCOHOL STRATEGY REVIEW - JOINT ADVISORY GROUP ESTABLISHMENT

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1758701
<i>Reporting Officer/s & Unit:</i>	Rebecca Peterson, Senior Advisor Policy

2.1 Purpose of Report

The purpose of the report is to seek Council's approval to appoint two elected members to a Joint Alcohol Strategy Advisory Group in order to proceed with the review of the Joint Alcohol Strategy.

Officer's Recommendation

That Council:

- a. **Approve** Councillor Taylor, Deputy Chair of Prosperous Napier Committee and portfolio lead for Sport and Recreation, Councillor Greig portfolio lead for a Child Friendly City, as Napier City Council's representatives on the Joint Alcohol Strategy Advisory Group with Hastings District Council.
- b. **Note** the draft Terms of Reference for the Joint Alcohol Strategy Advisory Group (Doc Id 1759378)

2.2 Background Summary

The Napier City Council and Hastings District Council's Joint Alcohol Strategy ('the Strategy') was first adopted in 2011 and again in 2017. It was developed in response to the high levels of hazardous drinking in Hawke's Bay where one in four adults is considered a 'hazardous drinker'.

It acknowledges the extent of alcohol harms including increased crime, injuries, hospital visits, alcohol related cancers, road deaths, Fetal Alcohol Spectrum Disorder, domestic, family, and sexual violence. When less alcohol is consumed the benefits are wide ranging for drinkers and others harmed by drinkers.

Reducing harm from alcohol also benefits a stronger economy through improved productivity, lower unemployment and cost savings across health, justice, and welfare sectors.

The key objectives of the Strategy are to:

1. Demonstrate leadership to reduce alcohol harm.
2. Foster safe and responsible events and environments.
3. Change attitudes towards alcohol to reduce tolerance for alcohol harms.

The Strategy supports a combination of regulatory approaches, and preventative and educational interventions. All of these contribute to reducing alcohol harm. The Strategy

also encourages collaboration between partner organisations including councils, government agencies, community, and business groups.

Review of the Joint Alcohol Strategy

Napier City and Hastings District Councils undertook to review the Strategy every five years, or at an appropriate alternative time. A joint review of the Strategy was planned for 2023/24 but was delayed due to Cyclone Gabrielle. The review is now planned for 2024/25.

The aim of the review is to determine how the Strategy aligns with national and local-level alcohol harm reduction goals and priorities, and with community and stakeholder views.

The context for achieving reduced alcohol harms acknowledges the many groups and organisations working towards reducing alcohol related harm. A key partner in this work is Health New Zealand, Te Whatu Ora Te Matau a Māui Hawke's Bay (formerly known as the Hawke's Bay District Health Board) who adopted a position statement in 2016 with the vision of *"Healthy communities, family and whānau living free from alcohol-related harm and inequity"*.

The Cancer Society New Zealand adopted an Alcohol and Cancer position statement in 2020, and New Zealand Police adopted an Alcohol Action Plan (2018) as part of their Prevention First operating model. The Strategy also aligns with Safe Communities priorities to reduce addiction related harm.

Purpose of the Joint Alcohol Strategy Review Advisory Group

As the 2017 Strategy was jointly developed by both Napier and Hastings District Councils, establishment of a joint advisory group for the Strategy's review is planned.

The purpose of the Advisory Group is to:

- provide advice to Council officers on the direction for drafting the Strategy
- hear and consider feedback arising from consultation on the draft revised Joint Alcohol Strategy
- provide advice and recommendations to both councils on the content of the revised Joint Alcohol Strategy.

A draft Terms of Reference has been prepared for confirmation by the Advisory Group **(Attachment A)**.

It is proposed that two elected member representatives from each council will form the Advisory Group. Mayor Wise has nominated Councillor Taylor, Deputy Chair Prosperous Napier Committee and Sport and Recreation portfolio lead and Councillor Greig, Child Friendly City portfolio lead, to represent Napier City Council.

The Advisory Group will be supported by an officer from each council. It will be disestablished once a revised Strategy is adopted by both councils.

2.3 Issues

The ongoing health system reforms and absence of a current national or local alcohol harm strategy from key partner Health New Zealand Te Whatu Ora is to be noted. Recent engagement with the National Public Health Service arm of Health New Zealand has outlined key alcohol harm reduction priorities including taking a leadership and coordination role across the alcohol policy network.

Review of the Joint Alcohol Strategy at this time will consider national direction for alcohol harm reduction and the role for Councils.

2.4 Significance and Engagement

Feedback will be sought from key stakeholders and the wider community on the revised draft Joint Alcohol Strategy. A consultation plan will be prepared for this purpose at that stage.

2.5 Implications

Financial

There are no financial implications associated with establishing this temporary Joint Advisory Group.

Social & Policy

In the six years since the last Joint Alcohol Strategy was released there have been changes to hazardous drinking trends in Hawke's Bay. There have been some improvements in rates of hazardous alcohol use in Hawke's Bay over the past 5 years, including binge drinking, however, our rates of harmful alcohol use remain high and exceed national levels. Population groups with highest rates of hazardous alcohol use in Hawke's Bay include males, Māori, the 45–64-year age group and those living in areas of socio-economic deprivation. Added to this our young Māori population are significantly over-represented in alcohol-related ED presentations.

Risk

N/A

2.6 Options

The options available to Council are as follows:

- a. Approve proposed membership of the Joint Alcohol Strategy Review Advisory Group and note the draft Terms of Reference.
- b. Not approve the proposed members for the Advisory Group.

2.7 Development of Preferred Option

Option A is preferred. This will enable both councils to work together on reviewed the Joint Alcohol Strategy to ensure coordination of future Strategic direction and consideration of consultation feedback.

2.8 Attachments

- 1 Joint Alcohol Strategy Review Advisory Group DRAFT Terms of Reference 2024 (Doc Id 1759378) [↓](#)

3. MAYORAL RELIEF FUND - DISTRIBUTIONS

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1757166
<i>Reporting Officer/s & Unit:</i>	Talia Foster, Financial Controller

3.1 Purpose of Report

To report back to Council on the expenditure so far from the Napier City Council Mayoral Relief Fund and provide an update on the available balance.

Officer’s Recommendation

That Council:

- a) **Receive** this report regarding donations and distributions from The Napier City Council Cyclone Gabrielle Event – February 2023 Mayoral Fund.

3.2 Background Summary

On 20 February, Mayor Wise signed a resolution to establish the Napier City Council Cyclone Gabrielle Event – February 2023 Mayoral Fund with donee status.

On 16 March, Council resolved that the funds were to be distributed at the discretion of the Mayor and Chief Executive for internal expenditure or external grants as the need arises for the purpose of aiding the recovery from Cyclone Gabrielle and benefitting the community.

It was resolved that there would be no application process from the public to the Mayoral Relief Fund, and all enquiries for individual applications will be directed to the Hawke’s Bay Disaster Relief Trust.

Council also directed officers to report back to Council on how the Fund has been distributed.

3.3 Fund Income and Distributions

In March we were very grateful to receive a donation of \$50,000 from Flo & Frankie Limited. Flo & Frankie are a New Zealand fashion retail business who opened their Napier boutique on Emerson Street just after the Cyclone, in March 2023. Seeing the devastation caused to our region, they felt it fitting to help through the Mayoral Relief Fund.

Total donations received are now \$484,077.

There have been distributions which total \$419,077, and further commitments which have not yet been paid of \$20,000. Communication is ongoing with the organisers of the Brookfields CCTV installation, and the payment will be made as soon as possible.

Napier City Council Cyclone Gabrielle Event - February 2023 Mayoral Relief Fund			
	As at 28 Feb 2024	As at 30 Apr 2024	Date Paid
	\$	\$	
Donations received	178,077	228,077	
Donation from Hawke's Bay Disaster Relief Trust	256,000	256,000	
	434,077	484,077	
Less: Mayoral Relief Fund distributions			
Waipatu Maori Catholic Club - Hui Aranga 2024	-	5,500	28/03/2023
Bay View Community Trust - community garden	4,527	4,527	21/12/2023
The Dinner Club HB - Christmas Meal (venue)	350	350	30/11/2023
Napier Christmas Cheer Appeal - return of unspent funds	(2,280)	(2,280)	15/11/2023
Cyclone Gabrielle Children's Storybook (lucky little pig)	5,000	5,000	19/10/2023
The Dinner Club HB - cookbook	5,000	5,000	17/10/2023
The Evergreen Foundation (Toddy talks) - Dr Lucy Hone's Napier resilience talk	3,000	3,000	5/10/2023
Manawa Ora Hawkes Bay Trust - Awatoto security cameras and social wellbeing event for flood affected community	12,000	12,000	28/09/2023
Petane Domain basketball court	25,000	25,000	19/09/2023
Radio Hawke's Bay - civil defence app	2,000	2,000	14/09/2023
Rangatahi Tuia Wananga	1,000	1,000	14/09/2023
The Dinner Club HB - Contribution to regular meals	2,500	2,500	7/09/2023
Finding voices - tickets for affected community to attend The Magic Flute in Concert	10,125	10,125	10/08/2023
Esk/Bayview community - HB clean-up crew meals and accommodation	10,000	10,000	27/07/2023
Esk/Bayview community - sausage sizzle for Tool Library Launch event	250	250	27/07/2023
Bay View Hotel and Holiday Park - Hoe Down Country Night event	2,000	2,000	20/07/2023
Bay View Hotel and Holiday Park - Mid-Winter Christmas event	2,500	2,500	6/07/2023
Napier Christmas Cheer Appeal	12,660	12,660	6/07/2023
The Dinner Club HB - Contribution to regular meals over winter	2,500	2,500	29/06/2023
Red and yellow stickered properties - tenants grants	38,000	38,000	22/06/2023
Primary Elements NZ - Creative events for Bayview/Esk Valley community In July school holidays	500	500	22/06/2023
Neeracha (Neela Neela) Rattanaworametha - contribution to meals	3,500	3,500	19/06/2023
Eskdale Kindergarten - Eskdale Ladies Night event	2,500	2,500	15/06/2023
Hawkes Bay Search and Rescue - six new GPS units	4,989	4,989	15/06/2023
Red and yellow stickered properties allocation of \$2,000	260,000	260,000	24/05/2023
Diesel contributions for machinery helping in clean-up	6,457	6,457	16/05/2023
	414,077	419,577	
Less: Committed but not yet paid			
Brookfields Community - CCTV installation	20,000	20,000	
	20,000	20,000	
Total distributions	434,077	439,577	
Remaining available balance	-	44,500	

3.4 Significance and Engagement

Not applicable

3.5 Implications

Financial

It is important that the balance of the fund is kept up to date, and confirmed before commitments are made to ensure the fund is not overspent. We have internal processes in place for this purpose. As at 30 April the available balance was \$44,500.

Social & Policy

Not applicable

Risk

Not applicable

3.6 Options

The options available to Council are as follows:

- a. Receive this report regarding donations and distributions from The Napier City Council Cyclone Gabrielle Event – February 2023 Mayoral Fund.
- b. Request further information.

3.7 Development of Preferred Option

Not applicable

3.8 Attachments

Nil

4. CCTV POLICY UPDATES

Type of Report:	Operational
Legal Reference:	Enter Legal Reference
Document ID:	1760946
Reporting Officer/s & Unit:	Duncan Barr, Chief Information Officer

4.1 Purpose of Report

To present the revised Information Services CCTV Policy to Council to be approved.

Officer's Recommendation

That Council:

- a. **Approve** the updates made to the CCTV Policy for finalisation and publication on the Council website.

4.2 Background Summary

Council operates Closed Circuit Television (CCTV) and has a CCTV Policy.

Council undertakes regular reviews of its policies to ensure that they are still relevant, clear and accurate to reflect any shifts in best practice.

The camera's NCC operate are located at our facilities and in public spaces, as part of the Napier Assist program, for the safety of staff and public.

The policy has been updated to allow for the provision of some cameras having the ability to read vehicle number plates. Access to CCTV footage has been broadened from just the Police to Legal Enforcement Agencies, for example, Ministry of Primary Industries. There has also been an inclusion of more roles that can internally see footage and updates to various positions titles.

4.3 Issues

No issues

4.4 Significance and Engagement

Policy reviews are an internal operational process and do not require consultation.

4.5 Implications

Financial

N/A

Social & Policy

N/A

Risk

N/A

4.6 Options

The options available to Council are as follows:

- a. To approve the updates/ actions recommended by Officers.
- b. To amend the updates recommended by Officers.

4.7 Development of Preferred Option

N/A

4.8 Attachments

- 1 Information Services CCTV Policy [↓](#)(Doc Id 1761675)

5. AMENDMENT TO THE 2024 MEETING SCHEDULE

Type of Report:	Procedural
Legal Reference:	Local Government Act 2002
Document ID:	1755578
Reporting Officer/s & Unit:	Anna Eady, Team Leader Governance

5.1 Purpose of Report

The purpose of this report is to consider an amendment to the 2024 meeting schedule, which was adopted on 12 October 2023.

It is proposed that the meeting schedule be amended as outlined in the recommendation of this report.

Officer’s Recommendation

That Council:

a. **Adopt** the following amendment to the 2024 meeting schedule:

- Ahuriri Regional Park Joint Committee 2 new dates 24 June and 19 August 2024 – 9.30am
- Council (Freedom Camping Bylaw Review hearings) New date 3 October 2024 – 9.30am

5.2 Background Summary

The Local Government Act 2002, Schedule 7, Clause 19 states:

- ...
- (4) *A local authority must hold meetings at the times and places that it appoints.*
- (5) ...
- (6) *If a local authority adopts a schedule of meetings -*
- a) *the schedule-*
 - i) *may cover any future period that the local authority considers appropriate, and*
 - ii) *may be amended; and*
 - b) *notification of the schedule or of any amendment to that schedule constitutes a notification of every meeting to the schedule or amendment.*

Council must hold the ordinary meetings as scheduled but may amend the meetings schedule to enable business to be managed in an effective way.

Although staff attempt to meet Council’s needs in planning the schedule, it is inevitable that Council will need to amend the schedule from time to time. If approved, the proposed amendment will be notified to elected members via the Councillor diary.

While the schedule serves to give elected members notice of the upcoming meetings, there is still a requirement under the Local Government Official Information and Meetings Act 1987 for the public to be advised on a regular basis of the meetings scheduled for the next month.

The schedule includes council meetings and the meetings of all committees, not only so that members can plan ahead, but also to ensure that meeting days are in fact available. If a scheduled meeting is not required, officers will advise members of the cancellation as early as possible.

5.3 Issues

No issues have been identified with this report.

5.4 Significance and Engagement

The amendment to the meeting schedule does not trigger the Significance and Engagement Policy or any other consultative requirements.

5.5 Implications

Financial

There will be additional costs for venue hire.

Social & Policy

There are no social or policy implications in relation to this report.

Risk

Changes to the meeting schedule can result in difficulty finding a suitable venue and increased costs.

5.6 Options

The options available to Council are as follows:

- a. To amend the 2024 meeting schedule as proposed.
- b. Not to amend the 2024 meeting schedule as proposed.

5.7 Development of Preferred Option

It is recommended that the amendment to the 2024 meeting schedule be adopted as proposed.

5.8 Attachments

Nil

6. ACTION POINTS REGISTER AS AT 6 MAY 2024

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1757040
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Team Leader Governance

6.1 Purpose of Report

The Action Points Register (Register) records the actions requested of Council officials in Council and Committee meetings. This report provides an extract from the Register as at 6 May 2024, for Council to note. It does not include action points that were requested in public excluded Council or Committee meetings.

Officer's Recommendation

That Council:

- a. **Note** the extract from the Action Points Register as at 6 May 2024 (Doc Id 1758898).

6.2 Background Summary

Officers have prepared the Action Points Register (Register) to keep track of action points raised at Council and Committee meetings in this triennium.

6.3 Issues

The Register includes action points from all Council and Committee meetings, including public excluded sessions of those meetings. The attached extract from the Register includes all action points of this triennium, other than those that were requested in a public excluded Council or Committee meeting. Action points from public excluded meetings are provided to Council for noting in the public excluded session.

The Register does not include actions that flow from Council and Committee meetings if those actions are part of Council's 'business as usual'. For example, if Council agrees to increase an application fee, it does not include the action that Council staff would need to implement that increase. However, if staff, for example, agree to arrange a further meeting or make additional information publicly available after a meeting, those actions would be included in the Register.

Once an action point has been completed, it will only be included in the Register for Council's consideration once. Once Council has noted that an action point has been completed, it will be removed from the Register. Action points that have not been completed will continue to be provided to Council until they have been completed.

6.4 Significance and Engagement

N/A

6.5 Implications

Financial

N/A

Social & Policy

N/A

Risk

N/A

6.6 Options

N/A

6.7 Development of Preferred Option

N/A

6.8 Attachments

- 1 2024-05-06 Open Action Points Register (Doc Id 1758898) [↓](#)

REPORTS / RECOMMENDATIONS FROM COMMITTEES

REPORTS FROM AHURIRI REGIONAL PARK JOINT COMMITTEE HELD 1 MAY 2024

1. AHURIRI REGIONAL PARK

Type of Report: Operational

Legal Reference: N/A

Document ID: 1752562

Reporting Officer/s & Unit: Fleur Lincoln, Strategic Planning Lead
Connie Mills, Strategic Planning Lead

1.1 Purpose of Report

1. This report seeks endorsement of the Engagement Plan and function and membership of the Technical Advisory Group.
2. Further, it seeks appointment of a new Deputy Chair of the Ahuriri Regional Park Joint Committee.

At the meeting

Appointment of new Deputy Chair

Nominations were called for the position of a new Deputy Chair, following the resignation of Tania Eden (MAT).

Joe Reti (MAT) was nominated by Mōrehu Te Tomo and seconded by Deputy Mayor Brosnan.

Joe Reti accepted the appointment as Deputy Chair of the Ahuriri Regional Park Joint Committee (ARPJC). There being no other nominations, Joe Reti was duly elected unopposed as Deputy Chair.

COMMITTEE Mōrehu Te Tomo / Deputy Mayor Brosnan

RESOLUTION

The Ahuriri Regional Park Joint Committee:

- a) Approve** Joe Reti (Mana Ahuriri Trust) be appointed as Deputy Chair of the Ahuriri Regional Park Joint Committee from 2 May 2024.

Carried

Engagement Plan

Mr Drury spoke to the report summarising the key points of the Engagement Strategy and Plan advising that it was a live document that would be updated throughout the project.

Ms Ryder from Boffa Miskell provided further clarification on the engagement strategy timeline in relation to the Open Day in the middle of July. It was proposed to host an Open Day on-site or hire a hall as a back-up indoor venue nearby. Alternatively the Open Day could be tagged onto another Council event or festival/activity that is happening at that similar time. It was acknowledged having an open day in the middle of winter is challenging.

Comments at the meeting included:

- In order to mitigate the risk of the community questioning the timing of this exploratory phase of the project, communications will need to focus on climate issues, building resilience, managing core infrastructure and stormwater treatment as the key priorities for the development of the Regional Park.
- It was agreed that the Engagement Strategy would need minor amendments to respond to this change in messaging, and the proposed Open Days were recommended to be delayed to the end of the overall project to offer information once concepts had been developed.
- NCC holds a resource consent from HBRC for the purpose of stormwater discharge. Conditions of this consent require NCC to investigate treatment options prior to the stormwater entering the Estuary. This forms the regulation driver for the development of the Park.
- A monitoring brief on the feedback received through the Long Term Plan (LTP) engagement is to be undertaken.
- The Technical Advisory Group (TAG) of experts and core team, who will guide the design process and outcomes, includes local and regional authorities as well as representatives from MAT.
- Work that resulted from the initial Beca report has been tendered through to the 3 Waters panel. This provided information on whether the stormwater modelling was possible. Further detailed modelling is being tendered for currently as part of a separate work programme.
- An engineering technical expert will sit on TAG as an independent member to ensure a good attenuation method/parameters can be provided, noting that the actual detail will follow once the general location is known.
- The project team offered reassurance that the development of stormwater modelling on the park and land treatment attenuation space would be at a sufficient level of detail that they could with some accuracy identify the general space required which will be allocated within the master plan. Further detail will follow.
- Advice from Frank Engagement was to specifically include Westshore and the Ahuriri Residents Association in public engagement about the Park. The ARPJC members considered the Bay View Residents Association should also be included in the engagement.
- The ARJPC agreed that the community Open Days be removed from the Engagement Plan at this stage, but put back in at a later date when information was available.

The ARPC requested the following minor amendments to the engagement plan:

- Messaging of the project to be focused on climate resilience and stormwater management, based on the history of the site.
- Co-opting stormwater representative into TAG

- Sequencing public facing media posts
- Look at LTP communication plan to ensure timing does not infringe on that consultation
- Move the Open Day to the end of the timeline
- Add Bayview Residents Association to the Community and Public Engagement Group
- Amend the social media timing in relation to LTP hearings and decision making timelines for both the HBRC and NCC.
- To note the slight change of messaging – that the engagement plan identifies risk and is sensitive to community sentiment of rate increases.

**COMMITTEE
RESOLUTION**

Mōrehu Te Tomo / Councillor Price

- a) **Endorse** the Engagement Plan with minor amendments as below:
- Messaging of the project to be focused on climate resilience and stormwater management, based on the history of the site.
 - Co-opting stormwater representative into TAG group
 - Sequencing public facing media posts
 - Look at LTP communication plan to ensure timing does not infringe on that consultation.
 - Move the Open day to the end of the timeline
 - Add Bayview Residents Association to the Community and Public Engagement Group
 - Social media timing with relation to LTP hearings and decisions making timelines of both the HBRC and NCC with regard to 3 year LTP plans.
 - Noting amendments given slight change of messaging – engagement plan looks to identify risk and identify the community sentiment of rate increases.

ACTION: *All agendas, minutes and workshop summaries are to be circulated to the Governance/Administration teams of each partner organisation and uploaded to relevant electronic document sharing platforms (Hub/Stellar)*

Carried

Function and Technical Advisory Group

It was noted that since the report had been written Senitra Nathan-Marsh had resigned from MAT and Parris Greening had been contacted to discuss the appointment of a replacement on the TAG.

Anna Madarasz Smith (HBRC), who had been proposed as the Marine Science expert, has resigned from HBRC. When a replacement has been appointed they will be appointed to the TAG.

Comments at the meeting included:

- The concept design of stormwater attenuation and wetland treatment solutions to be undertaken by an independent consultant on the 3 Waters Infrastructure Panel. The ARPJC

agreed that a representative from the NCC stormwater design team also be appointed as an independent member of the TAG.

- The TAG overview update report will notify the ARPJC of any membership changes through the project managers.

**COMMITTEE
RESOLUTION**

Councillors Williams / Price

- a) **Endorse** the function and membership of the Technical Advisory Group as outlined in the agenda report.
-

Carried

Attachments

- 1 Further Submissions to Proposed District Plan (Doc Id 1757169)
 - 2 Boffa Miskell presentation (Doc Id 1757168)
-

REPORTS FROM NGĀ MĀNUKANUKA O TE IWI (MĀORI COMMITTEE) HELD 10 MAY 2024

1. TE AKA MAHI TOI UPDATE

Type of Report: Information

Legal Reference: N/A

Document ID: 1749207

Reporting Officer/s & Unit: Darran Gillies, Strategic Programmes Manager
Hilary Prentice, Māori Partnership Manager - Te Kaiwhakahaere Hononga Māori
Alix Burke, Strategic Programme Coordinator

1.1 Purpose of Report

To update Ngā Mānukanuka o te iwi committee on the development of the mahi toi for the Te Aka project.

At the meeting

The Officer presented the report. A PowerPoint presentation was shared showing examples of how artwork could be incorporated into the build.

Questions were answered clarifying:

- The design and the planting will be congruent with the existing landscape, incorporating native planting that would naturally be present.
- The procurement process can support a heavier weighting for local artists, whilst not excluding other artists. Knowledge of the local community is a key part of this process.
- Procurement and inclusion of artwork will be a collaborative co-design process.

COMMITTEE RESOLUTION

Deputy Mayor Brosnan / Shayann Raihania

The Ngā Mānukanuka o te Iwi (Māori Committee):

- Receive** the report updating the development of the Mahi Toi for the Te Aka project.
- Endorse** the direction of the cultural narrative for Te Aka.
- Support**, in principle, the procurement of Ahuriri hapu/Ngāti Kahungunu artists for the delivery of the Mahi Toi in Te Aka.

Carried

Attachments

- 1 Te Aka PowerPoint presentation (Doc Id 1760164)

2. DRAFT HOUSING STRATEGY

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1752317
<i>Reporting Officer/s & Unit:</i>	Anne Bradbury, Manager Community Strategies

2.1 Purpose of Report

This report discusses the Draft Housing Strategy and next steps to finalise the strategy.

At the meeting

The Officer presented the report and in response to questions from the Committee it was clarified:

- Following further consultation with the interested parties provided by the Ngā Mānukanuka o te Iwi representative, the draft Strategy will be brought back to Ngā Mānukanuka o te Iwi prior to the October Council meeting.
- That section 17A of the Local Government Act provides for review of public services.
- Current tenants will continue to have a home.

COMMITTEE RESOLUTION

Shyann Raihania / Councillor Crown

The Ngā Mānukanuka o te Iwi (Māori Committee):

- Note** the Draft Housing Strategy (Doc Id 1742977) and recommend Officers continue to work with key partners and stakeholders to finalise the strategy.
- Direct** Officers to report back on the Housing Strategy to Ngā Mānukanuka o te Iwi at the 26 July 2024 meeting to recommend the strategy to go to Council for adoption in October 2024.

ACTION: Officer to liaise with Ngā Mānukanuka o te Iwi representative (Shyann Raihania) on other parties to be consulted on the Draft Housing Strategy

Carried

3. UPDATE ON THE WAKA HUB PROJECT

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1753340
<i>Reporting Officer/s & Unit:</i>	Georgina King, Team Leader City Design and Urban Renewal

3.1 Purpose of Report

The purpose of this report is to provide an update of the Waka Hub project and to seek endorsement from Nga Mānukanuka o te Iwi on the location for the new Waka Hub.

At the meeting

The Officer presented the report with the support of Te Kaha Hawaikirangi, [Ātea a Rangi Trust]. In response to questions from the Committee it was clarified:

- The current site was chosen due to its location, size and suitability for housing Te Matau a Māui.
- The importance of the funding being available to ensure the completion of this project.

COMMITTEE RESOLUTION

Shyann Raihania / Councillor Crown

The Ngā Mānukanuka o te Iwi (Māori Committee):

- Endorse** the 'Preferred Site' adjacent to the Napier Sailing Club for the new Waka Hub and permanent mooring for Te Matau-a-Māui waka.
- Endorse** the development of a Concept Design for the Waka Hub and mooring(s) for waka hourua.
- Recommend** to council that the funding shortfall for this project be budgeted for or confirmed in the three year plan.

Carried

4. PROPOSED LEGISLATION - REINSTATEMENT OF THE PRE-2021 BINDING POLL PROVISIONS FOR MĀORI WARDS

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Local Electoral Act 2001
<i>Document ID:</i>	1752917
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Team Leader Governance

4.1 Purpose of Report

To inform the Committee of the proposed legislation to reinstate the pre-2021 binding poll provision for the establishment of Māori wards, and what the options are for Napier City Council (NCC) once the legislation is enacted at the end of July 2024.

At the meeting

The Officer presented the report. Questions were answered clarifying:

- Council's current position is to not to rescind the decision to establish Māori Wards.
- The proposed legislation presents the risk that Napier City Council may establish Māori Wards that only operate for one triennium.
- A name or names for the Māori Ward(s) will be put forward by Mana Ahuriri and will be open for community feedback in the formal consultation.

COMMITTEE RESOLUTION

Tiwana Aranui / Joe Tareha

The Ngā Mānukanuka o te Iwi (Māori Committee):

- Receive** the report for information: Proposed legislation – Reinstatement of the pre-2021 binding poll provisions for Māori Wards.
- Note** Ngā Mānukanuka o te Iwi supports the Council decision on the establishment of Māori Wards made in 2021.
- Endorse** the Mayor making a submission on the proposed legislation for the Reinstatement of the Pre-2021 Binding Poll provisions for Māori Wards.

Carried

5. REPRESENTATION REVIEW UPDATE

Type of Report: Operational

Legal Reference: Local Electoral Act 2001

Document ID: 1754658

Reporting Officer/s & Unit: Anna Eady, Team Leader Governance

5.1 Purpose of Report

To give the Komiti an update on the Representation Review project, highlight upcoming engagement opportunities with the community, and to receive feedback from the Komiti on the proposed options, which will be put to the Council for consideration.

At the meeting

The Officer presented the report. There were no questions from the Committee.

At the meeting

The Officer presented the report. There were no questions from the Committee.

COMMITTEE Tiwana Aranui / Councillor Crown

RESOLUTION

The Ngā Mānukanuka o te Iwi (Māori Committee):

- a) **Receive** the report titled “Representation Review Update” dated 10 May 2024.

Carried

6. TE WAKA RANGAPŪ STRATEGY 2024

<i>Type of Report:</i>	Operational and Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1752840
<i>Reporting Officer/s & Unit:</i>	Mōrehu Te Tomo, Pou Whakarae

6.1 Purpose of Report

This purpose of this report is to advise on Te Waka Rangapū Strategy (the Strategy).

At the meeting

The Officer presented the report. Questions were answered clarifying:

- The need to recognise those that have come before, are here now and the future in the Strategy. The Strategy aims to ensure that NCC is culturally safe; the Komiti is to lead the cultural side of, and enhance knowledge within, the organisation. The Strategy will be in place for 5 years, though under continual review.
- The desire to establish succession plans for the Komiti was raised with the possibility of an intern position within Te Waka Rangapū.

COMMITTEE RESOLUTION

Joe Tareha / Shayann Raihania

The Ngā Mānukanuka o te Iwi (Māori Committee):

a) **Endorse** the “Te Waka Rangapū Strategy 2024.”

Carried

7. AGENDA ITEMS FOR NGĀ MĀNUKANUKA O TE IWI KOMITI

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1753242
<i>Reporting Officer/s & Unit:</i>	Mōrehu Te Tomo, Pou Whakarae

7.1 Purpose of Report

The purpose of this report is to establish the key topics and Napier City Council (NCC) projects Ngā Mānukanuka o te Iwi Komiti members would like brought to Komiti Huis for discussion.

At the meeting

The Officer spoke to the report. The Komiti requested a workshop be organised, with suggestions for future agenda items.

At the meeting

The Officer spoke to the report. The Komiti requested a workshop be organised, with suggestions for future agenda items.

COMMITTEE Tiwana Aranui / Councillor McGrath

RESOLUTION

The Ngā Mānukanuka o te Iwi (Māori Committee):

- a) **Request** reports on the following subjects be included in the agendas for Ngā Mānukanuka o te Iwi Komiti as relevant:
-

-
- i. Housing
 - ii. Health
 - iii. Te Aka Mahi Toi & Te Aka Operational Model
 - iv. Internal Cultural progress (Ka Awatea)
 - v. Water Issues (Local Water Done Well)
 - vi. Long Term Plan (3 Year Plan)
 - vii. Annual Plan
 - viii. District Plan
 - ix. Future Development Strategy
 - x. Representation Review
 - xi. Māori Wards
 - xii. Te Mana o te Wai
 - xiii. Environmental concerns
 - xiv. Tourism

b) Endorse a workshop to be held to identify key priority areas for papers for the Committee's 2024 work programme.

Carried

REPORTS UNDER DELEGATED AUTHORITY

1. TENDERS LET

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1761659
<i>Reporting Officer/s & Unit:</i>	Debbie Beamish, Executive Assistant to the Chief Executive

1.1 Purpose of Report

To report the Tenders let under delegated authority for the period 8 April – 10 May 2024.

Officer’s Recommendation

That Council:

- a) **Receive** the Tenders Let for the period 8 April – 10 May 2024 as below:
 - Contract 2684 24 Clyde Road Slip Remediation be awarded to Drainways Contracting Limited in the sum of \$504,555.26.
 - Contract 2678 Inner Harbour Maintenance Dredge 2024 be awarded to Dutch Dredging Limited in the sum of \$554,158.00.

CONTRACTS OVER \$100,000.00 LET UNDER CHIEF EXECUTIVE/DIRECTOR INFRASTRUCUTRE DISCRETION

Contract 2684 24 Clyde Road Slip Remediation - \$504,555.26

- Three tenders have been received.
- It has been recommended that the contract be awarded to Drainways Contracting Limited \$504,555.26
- This recommendation has been approved.

Contract 2678 Inner Harbour Maintenance Dredge 2024 - \$554,158.00

- Three tenders have been received.
- It has been recommended that the contract be awarded to Dutch Dredging Limited for the value of \$554,158.00.
- This recommendation has been approved.

1.2 Attachments

Nil

RECOMMENDATION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of the proceedings of this meeting, namely:

Agenda Items

1. Action Points Register (Public Excluded) as at 6 May 2024

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.
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Agenda Items

<p>1. Action Points Register (Public Excluded) as at 6 May 2024</p>	<p>7(2)(a) Protect the privacy of natural persons, including that of a deceased person</p> <p>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</p> <p>7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>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:</p> <p>(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.</p>
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ORDINARY MEETING OF COUNCIL

Open Minutes

Meeting Date: Thursday 18 April 2024

Time: 9.30am – 10.30am (*Open*)
10.35pm – 10.45am (*Public Excluded*)

Venue Large Exhibition Hall
War Memorial Centre
Marine Parade
Napier

Livestreamed via Council's Facebook page

Present **Chair:** Mayor Wise
Members: Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Greig, Mawson, McGrath, Price, Simpson, Tareha and Taylor

In Attendance Chief Executive (Louise Miller)
Deputy Chief Executive (Jessica Ellerm) [via Zoom]
Acting Executive Director Corporate Services (Caroline Thomson)
Executive Director Community Services (Thunes Cloete)
Manager Communications and Marketing (Julia Stevens)
Pou Whakarae (Mōrehu Te Tomo)
Team Leader Governance (Anna Eady)
Manager Regulatory Solutions (Luke Johnson)
Business Improvement Manager (Alister Edie) [via Zoom]
Chair, Napier Youth Council (Ben Kingsford)

Administration Governance Advisor (Carolyn Hunt)

ORDINARY MEETING OF COUNCIL – Open Minutes

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ORDER OF BUSINESS

Karakia

The meeting opened with the Council karakia.

Apologies

Nil

Conflicts of interest

Nil

Public forum

Nil

Announcements by the Mayor

Napier Youth Council – Mayor Wise welcomed Ben Kingsford, Chair of the Napier Youth Council to the meeting. Ben was invited to participate in discussion, however he will have no voting rights in decision-making.

3 Year LTP presentation – Mayor Wise thanked members of the public for attending the presentation on the Three Year Long Term Plan held at the War Memorial Centre on Wednesday, 17 April 2024. She encouraged feedback or submissions from the community to be submitted by 5.00pm, Friday, 26 April 2024.

Announcements by the management

Nil

Confirmation of minutes

**COUNCIL
RESOLUTION**

Councillors Greig / Chrystal

That the Draft Minutes of the Ordinary Council meeting held on 14 March 2024 be confirmed as a true and accurate record of the meeting.

Carried

AGENDA ITEMS

1. ANIMAL CONTROL FEES AND CHARGES 2024/2025

Type of Report: Enter Significance of Report

Legal Reference: Enter Legal Reference

Document ID: 1750801

Reporting Officer/s & Unit: Luke Johnson, Manager Regulatory Solutions
Alister Edie, Business Improvement Manager

1.1 Purpose of Report

To consider the amended Animal Control fees and charges for the year commencing 1 July 2024, as a separate process to the current Three Year Plan public consultation for fees and charges.

At the meeting

The Manager Regulatory Solutions, Mr Johnson spoke to the report highlighting that the reason for introducing the minor amendment outside the Three Year Long Term Plan consultation process was that Animal Control fees and charges were required to be notified the month preceding the start of the dog registration year.

COUNCIL Councillors Simpson / Mawson

RESOLUTION

That Council:

- a. **Approve** the minor amendments to Animal Control Fees and Charges for 2024/25 as set out in the table (Doc Id 1751398) of the agenda report
- b. **Note** the changes, if approved, are effective from 1 July 2024

Carried

2. DRAFT ELECTED MEMBERS' ALLOWANCES AND EXPENSES POLICY

Type of Report: Operational

Legal Reference: Local Government Act 2002

Document ID: 1746435

Reporting Officer/s & Unit: Anna Eady, Team Leader Governance

2.1 Purpose of Report

To present a draft Elected Members' Allowances and Expenses Policy for consideration.

At the meeting

The Team Leader Governance, Ms Eady took the report as read.

There was considerable discussion on this item, and in particular the elected member childcare allowance. Some comments noted are:

- To withdraw the childcare subsidy from the expense policy.
- The Remuneration Authority determines the limit set for allowances which are paid at Council's discretion.
- Removal of the childcare allowance could create a barrier for young parents standing for Council.
- The allowance is discriminatory in that there is no allowance for those elected members who care for older family members.
- The elected member role is unique but it does not warrant additional childcare.
- The optional childcare allowance was introduced by the Remuneration Authority, an independent body.

COUNCIL Deputy Mayor Brosnan / Councillor Boag

RESOLUTION That Council:

- Receives** the report titled 'Draft Elected Members' Allowances and Expenses Policy'.
- Adopts** the draft Elected Members' Allowances and Expenses Policy (Doc Id 1748302).
- Notes** the Policy will be published on the Napier City Council website in line with the requirements of the Remuneration Authority.
- Notes** the withdrawal of the Elected Members' Childcare Allowance Policy 2019 (Doc Id 883855).

The Motion was PUT with 7 FOR and 6 AGAINST

The Motion was CARRIED

Mayor Wise, Councillors Chrystal, Crown, Mawson, McGrath and Simpson voted AGAINST the Motion

Carried

3. AMENDMENT TO THE 2024 SCHEDULE OF STANDING COMMITTEES AND COUNCIL MEETINGS

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1750073
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Team Leader Governance

3.1 Purpose of Report

The purpose of this report is to consider an amendment to the schedule of Standing Committees and Council meetings for 2024, which was adopted on 12 October 2023.

It is proposed that the meeting schedule be amended as outlined in the recommendation of this report.

At the meeting

The Team Leader Governance, Ms Eady took the report as read.

COUNCIL Councillors Crown / Mawson RESOLUTION

That Council:

- a. **Adopt** the following amendment to the schedule of Standing Committees and Council meetings for 2024:
 - Ahuriri Regional Park Joint Committee New date 1 May 2024 – 9.30am

Carried

4. ACTION POINTS REGISTER AS AT 8 APRIL 2024

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1748252
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Team Leader Governance

4.1 Purpose of Report

The Action Points Register (Register) records the actions requested of Council officials in Council and Committee meetings. This report provides an extract from the Register as at 8 April 2024, for Council to note. It does not include action points that were requested in public excluded Council or Committee meetings.

At the meeting

The Team Leader Governance, Ms Eady took the report as read.

It was noted that Action No. 61 (HB CDEM risks that most affect Napier) raised in July 2023 was dependent on a review being completed. This has now been completed and further modelling will be undertaken prior to informing the community of the risks.

COUNCIL Councillors Chrystal / Taylor

RESOLUTION

That Council:

- a. **Note** the extract from the Action Points Register as at 8 April 2024 (Doc Id 1748261).

Carried

5. INFORMATION - MINUTES OF JOINT COMMITTEES

Type of Report: Operational

Legal Reference: Local Government Act 2002

Document ID: 1750590

Reporting Officer/s & Unit: Anna Eady, Team Leader Governance

5.1 Purpose of Report

The purpose of this report is to receive the unconfirmed minutes of the various Joint Committee meetings during March 2024.

To view the full agenda relating to these minutes please refer to the Hawke's Bay District Council website at <https://www.hbrc.govt.nz/our-council/meetings>.

At the meeting

Councillor Price, Council's representative on the Hawke's Bay Regional Transport Committee, summarised the following:

- The draft Regional Land Transport Plan and consultation document had been adopted.
- It was disappointing that the MyWay trial was not coming to Napier due to budgetary issues.

Mayor Wise, Council's representative on the Hawke's Bay Civil Defence Emergency Management Group Joint Committee noted:

- The CDEM (Mike Bush) review had been released with a number of recommendations and the Committee were working at pace on the response.
 - Steps have been taken to advertise for an Independent Emergency Management Specialist to progress the review of the recommendations and their implementation.
-

COUNCIL Mayor Wise / Councillor Price

RESOLUTION

That Council:

- a) **Receive** for information the unconfirmed minutes of the following Joint Committee meetings held:
- 15 March 2024 – Hawke’s Regional Transport Committee (Doc Id 1750591)
 - 25 March 2024 – Civil Defence Emergency Management Group Joint Committee (Doc Id 1751401)

Carried

6. PROPOSED LEGISLATION – REINSTATEMENT OF THE PRE-2021 BINDING POLL PROVISIONS FOR MĀORI WARDS

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Local Electoral Act 2001
<i>Document ID:</i>	1750742
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Team Leader Governance

6.1 Purpose of Report

To inform the Council of the proposed legislation to reinstate the pre-2021 binding poll provision for the establishment of Māori wards, and what the options are for Napier City Council (NCC) once the legislation is enacted at the end of July 2024.

At the meeting

The Team Leader Governance, Ms Eady spoke to the report highlighting that the draft Bill had not yet been released and there was time for things to change and the finer details of the proposed legislation to be known.

Ms Eady noted a minor error in the paper, if the decision was rescinded Council would need to complete a mini representation review and if this was undertaken a full representation review would not be required for two election cycles. The paper said, in this situation, a full representation review would be required next triennium.

In response to questions the following was clarified:

- The change means Councils will be able to initiate binding polls on Māori Wards and electors will be able to petition Council to hold a binding poll. Petitions will need to meet the 5% of residents in support threshold to be successful.
- The timeline given indicates that the legislation will be enacted by end of July 2024.
- There is not a requirement to formally reconsider or debate the previous decision made, it is an option.

The Mayor advised she would undertake discussion with mana whenua and iwi parties and report back to elected members and decide on next steps. She encouraged all councillors to reach out to their networks and if any of the groups, hapū or iwi would like

someone to come and explain the proposed legislation more fully that could be arranged through Council's Te Waka Rangapū Directorate.

Amended Councillors Boag / Greig
Resolution LOST

That Council:

- a) **Receive** the report for information: Proposed legislation Reinstatement of the pre-2021 binding poll provisions for Māori Wards.
- b) **Direct** officers to prepare a report following enactment of the legislation in July 2024 to provide Council an opportunity to debate on whether to revoke its previous decision or not on the provision of Māori Wards

The Motion was PUT:

5 FOR: Councillors Boag, Browne, Greig Simpson and Taylor

8 AGAINST: Mayor Wise, Deputy Mayor Brosnan, Councillors Crowne, Chrystal, McGrath, Mawson, Price and Simpson

The Motion was LOST

SUBSTANTIVE
COUNCIL
RESOLUTION

Mayor Wise / Councillor Price

That Council:

- a) **Receive** the report for information: Proposed legislation Reinstatement of the pre-2021 binding poll provisions for Māori Wards

Carried

REPORTS / RECOMMENDATIONS FROM THE SPECIALIST COMMITTEES

REPORTS FROM AUDIT AND RISK COMMITTEE HELD 4 APRIL 2024

1. Ombudsman Report - Council Meeting and Workshop setting amendments

Type of Report:	Operational
Legal Reference:	Local Government Official Information and Meetings Act 1987
Document ID:	1745863
Reporting Officer/s & Unit:	Anna Eady, Team Leader Governance

1.1 Purpose of Report

In October 2023 the Ombudsman released a report “Open for Business”, which followed an investigation into local council meetings and workshops. This report will set out our proposed improvement programme and the Council direction to meet the Ombudsman’s key recommendations.

At the meeting

There was no discussion on this item at the meeting.

COUNCIL Mayor Wise / Councillor Crown

RESOLUTION

That Council **note** the recommendation from the Audit and Risk Committee to:

- a) **Receive** the report titled Ombudsman Report – Council Meeting and Workshop setting amendments.
- b) **Note** officers have undertaken an assessment of Napier City Council’s current practices in relation to the Ombudsman’s *Open for Business* report and will make improvements to these practices.
- c) **Note** open Audit and Risk Committee meetings will be recorded and published on the Napier City Council website.

Carried

2. Health and Safety Report

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1722342
<i>Reporting Officer/s & Unit:</i>	Adam McDonald, Health, Safety and Wellbeing Lead

2.1 Purpose of Report

The purpose of this report is to provide the Audit & Risk Committee (ARC) an overview of Health Safety & Wellbeing (HSW) activity, inform on the progress of initiatives underway to improve health, safety, and wellbeing, as well as key performance indicators covering the period December 2023 through to February 2024. The report enables the ARC to provide assurance to Council for the capability and functioning of Council's health, safety and wellbeing hazard and risk management system and associated programmes.

At the meeting

There was no discussion on this item at the meeting.

COUNCIL Mayor Wise / Councillor Crown RESOLUTION

That Council **note** the recommendation from the Audit and Risk Committee to:

- a) **Receive** the Health and Safety Report for the period December 2023 to February 2024.

Carried

3. Risk Management Report

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1744348
<i>Reporting Officer/s & Unit:</i>	Dave Jordison, Risk and Assurance Lead Alister Edie, Business Improvement Manager

3.1 Purpose of Report

To update the Committee on current developments and workstreams within the risk management framework and inform on the status of Council's strategic and operational risk profile and any emerging risks.

At the meeting

There was no discussion on this item at the meeting.

COUNCIL Mayor Wise / Councillor Crown

RESOLUTION

That Council **note** the recommendation from the Audit and Risk Committee to:

- a) **Receive** the report titled "Risk Management Report" dated 4 April 2024.

Carried

4. Sensitive Expenditure - Mayor and Chief Executive

Type of Report: Procedural

Legal Reference: N/A

Document ID: 1742723

Reporting Officer/s & Unit: Raewyn Fowler, Internal Audit Lead
Talia Foster, Financial Controller

4.1 Purpose of Report

To provide the information required for the Committee to review Sensitive Expenditure of the Mayor and Chief Executive for compliance with Council's Sensitive Expenditure Policy.

At the meeting

There was no discussion on this item at the meeting.

COUNCIL Mayor Wise / Councillor Crown

RESOLUTION

That Council **note** the recommendation from the Audit and Risk Committee to:

- a) **Receive** the 31 December 2023 quarterly report of Sensitive Expenditure for the Mayor and Chief Executive and review for compliance with the Sensitive Expenditure Policy.

Carried

5. Internal Audit Recommendations Progress Report

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1742724
<i>Reporting Officer/s & Unit:</i>	Raewyn Fowler, Internal Audit Lead

5.1 Purpose of Report

The purpose of this report is to provide the Committee with a summary of the internal audit recommendations progress to date.

At the meeting

There was no discussion on this item at the meeting.

COUNCIL Mayor Wise / Councillor Crown

RESOLUTION

That Council **note** the recommendation from the Audit and Risk Committee to:

- a) **Receive** the Internal Audit Recommendations Progress Report dated 4 April 2024.

Carried

6. Policy review process update

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1701124
<i>Reporting Officer/s & Unit:</i>	Talia Foster, Financial Controller Caroline Thomson, Chief Financial Officer

6.1 Purpose of Report

To update the committee on the progress made to date with the policy review project.

At the meeting

There was no discussion on this item at the meeting.

COUNCIL Mayor Wise / Councillor Crown

RESOLUTION

That Council **note** the recommendation from the Audit and Risk Committee to:

-
- a) **Receive** the report titled “Policy Review Process Update” dated 4 April 2024.

Carried

7. External Audit actions status update

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1742734
<i>Reporting Officer/s & Unit:</i>	Talia Foster, Financial Controller

7.1 Purpose of Report

The purpose of this paper is to summarise the actions taken by management from recommendations made via our external audit process to provide assurance to the Audit and Risk Committee that these have been addressed.

At the meeting

There was no discussion on this item at the meeting

COUNCIL Mayor Wise / Councillor Crown

RESOLUTION

That Council **note** the recommendation from the Audit and Risk Committee to:

- a) **Receive** the report titled “External Audit Status Update” dated 4 October 2024.

Carried

8. Audit Plan for 2023/24 Annual Report

<i>Type of Report:</i>	Enter Significance of Report
<i>Legal Reference:</i>	Enter Legal Reference
<i>Document ID:</i>	1742735
<i>Reporting Officer/s & Unit:</i>	Talia Foster, Financial Controller

8.1 Purpose of Report

To provide delegation to the Chair to approve the Audit Plan for the 2023/24 Annual Report in consultation with the Chief Executive.

At the meeting

There was no discussion on this item at the meeting.

COUNCIL RESOLUTION

Mayor Wise / Councillor Crown

That Council **note** the recommendation from the Audit and Risk Committee to:

- a) **Receive** the report titled "Audit Plan for 2023/24 Annual Report" dated 4 April 2024.
- b) **Delegate** authority to the Chair and the Chief Executive to approve the Audit Plan for the 2023/24 Annual Report on behalf of the Audit and Risk Committee (Doc Id 1746445).

Carried

9. Audit New Zealand Management Report

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1742736
<i>Reporting Officer/s & Unit:</i>	Talia Foster, Financial Controller

9.1 Purpose of Report

To consider the Audit NZ management report to the Council on the audit of Napier City Council for the year ended 30 June 2023.

At the meeting

There was no discussion on this item at the meeting.

COUNCIL RESOLUTION

Mayor Wise / Councillor Crown

That Council **note** the recommendation from the Audit and Risk Committee to:

- a) **Receive** the Audit NZ management report to the Council on the audit of Napier City Council for the year ended 30 June 2023 (Doc Id 1745793).

Carried

REPORTS UNDER DELEGATED AUTHORITY

1. TENDERS LET

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1750099
<i>Reporting Officer/s & Unit:</i>	Debbie Beamish, Executive Assistant to the Chief Executive

1.1 Purpose of Report

To report the Tenders let under delegated authority for the period 14 March to 5 April 2024. There were no Tenders Let during this period.

At the meeting

There was no discussion on this item at the meeting.

COUNCIL Councillors Mawson / Tareha **RESOLUTION**

That Council:

- a) **Receive** the Tenders Let for the period 4 March – 5 April 2024. There were no tenders let during this period.

Carried

Minor matters

There were no minor matters to discuss.

RESOLUTION TO EXCLUDE THE PUBLIC

Councillors Mawson / Tareha

**COUNCIL
RESOLUTION**

- a) That the public be excluded from the following parts of the proceedings of this meeting.
 - Action Points Register (Public Excluded) as at 8 April 2024
 - Verbal Update Chief Executive to Audit and Risk Committee 4 April 2024

- b) That Ben Kingsford be allowed to remain in the Public Excluded session in his role as Chair, Napier Youth Council.

Carried

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.
	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 where the withholding of the information is necessary to:	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:

Agenda Items

1. Action Points Register (Public Excluded) as at 8 April 2024	7(2)(a) Protect the privacy of natural persons, including that of a deceased person 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	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
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	<p>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</p> <p>7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p> <p>7(2)(j) Prevent the disclosure or use of official information for improper gain or improper advantage</p>	<p>7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>
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Reports from Audit and Risk Committee held 4 April 2024

<p>1. Verbal Update Chief Executive</p>	<p>7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities</p>	<p>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.</p>
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*The meeting adjourned at 10.30am and reconvened
in Public Excluded at 10.35am
The meeting closed with a karakia at 10.45am*

Approved and adopted as a true and accurate record of the meeting.

Chairperson

Date of approval