



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)

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TABLE OF CONTENTS

Order of Business	Page No.
Karakia.....	3
Apologies	3
Conflicts of interest.....	3
Public forum.....	3
Announcements by the Mayor.....	3
Announcements by the management	3
Confirmation of minutes	3
Agenda Items	
1. Animal Control Fees and Charges 2024/2025	4
2. Draft Elected Members' Allowances and Expenses Policy	5
3. Amendment to the 2024 Schedule of Standing Committees and Council Meetings	6
4. Action Points Register as at 8 April 2024.....	6
5. Information - Minutes of Joint Committees.....	7
6. Proposed legislation – Reinstatement of the pre-2021 binding poll provisions for Māori Wards	8
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	10
2. Health and Safety Report	11
3. Risk Management Report.....	11
4. Sensitive Expenditure - Mayor and Chief Executive	12
5. Internal Audit Recommendations Progress Report.....	13
6. Policy review process update	13
7. External Audit actions status update	14
8. Audit Plan for 2023/24 Annual Report.....	15
9. Audit New Zealand Management Report	15
Reports under Delegated Authority	
1. Tenders Let.....	16
Minor matters.....	16
Resolution to Exclude the Public	17

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

Type of Report: Information

Legal Reference: Local Electoral Act 2001

Document ID: 1750742

Reporting Officer/s & Unit: 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

Type of Report: Information

Legal Reference: N/A

Document ID: 1742734

Reporting Officer/s & Unit: 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 Mayor Wise / Councillor Crown

RESOLUTION

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 Mayor Wise / Councillor Crown

RESOLUTION

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

Type of Report: Information

Legal Reference: N/A

Document ID: 1750099

Reporting Officer/s & Unit: 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