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# Council

## OPEN MINUTES

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Minutes of an extraordinary meeting of Council held in the Council Chambers, 126-148 Oxford St, Levin, on Tuesday 23 May 2017 at 4.00 pm.

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### PRESENT

|                     |                      |                |
|---------------------|----------------------|----------------|
| <b>Mayor</b>        | Mr M Feyen           |                |
| <b>Deputy Mayor</b> | Mr W E R Bishop      |                |
| <b>Councillors</b>  | Mr R J Brannigan     |                |
|                     | Mr R H Campbell      |                |
|                     | Mr N G Gimblett      |                |
|                     | Mr B F Judd          | (from 4.50 pm) |
|                     | Mrs V M Kaye-Simmons |                |
|                     | Mrs J F G Mason      |                |
|                     | Mrs C B Mitchell     |                |
|                     | Ms P Tukapua         |                |
|                     | Mr B P Wanden        |                |

### IN ATTENDANCE

|                   |   |
|-------------------|---|
| Mr D M Clapperton | (Chief Executive Officer)                       |
| Mrs M Davidson    | (Group Manager – Customer & Community Services) |
| Mr D Law          | (Chief Financial Officer)                       |
| Mr A Nelson       | (Property & Parks Manager)                      |
| Mr M Lester       | (Project Coordination Manager)                  |
| Mrs D Kidd        | (Community Services Manager)                    |
| Mr D McCorkindale | (Senior Manager – Strategic Planning)           |
| Mr K Teixeira     | (Communications Advisor)                        |
| Mrs S Hori Te Pa  | (Meeting Secretary)                             |

### ALSO IN ATTENDANCE

|                   |                 |
|-------------------|-----------------|
| Mr E Hope-Pearson | (Stimpson & Co) |
|-------------------|-----------------|

### MEDIA IN ATTENDANCE

|                |                       |
|----------------|-----------------------|
| Ms S Verdonk   | (NZ Herald Focus)     |
| Ms M Schroeter | (“Manawatu Standard”) |

### PUBLIC IN ATTENDANCE

There were approximately 29 members of the public in attendance at the commencement of the meeting.

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## 1 Apologies

An apology for lateness was recorded for Cr Judd

MOVED by Cr Campbell, seconded Cr Mason:

*THAT the apology for lateness from Cr Judd be received.*

**CARRIED**

## 2 Declarations of Interest

There were no declarations of interest.

## 3. Announcements

Mayor Feyen signalled, and gave the reasons for, a procedural motion:

“That we adjourn the meeting to allow for this significant matter to be reviewed by the Finance, Audit and Risk Committee and to allow a fuller briefing to all elected members to take place and to allow for more extensive public consultation”

he proposed to move prior to moving to go into the public excluded portion of the meeting. If the meeting did move In Committee, Mayor Feyen confirmed he would be arguing, as he had all along, for retention of the pensioner housing.

For those who had sought to speak, to provide guidance, Mayor Feyen advised they were to speak to the procedural motion to exclude the public and whether or not the meeting should move In Committee.

To see if there was any support around the table for the procedural motion to exclude the public, Cr Brannigan moved the motion, which was seconded by Cr Gimblett.

Those who had sought to speak were then given the opportunity to express their views prior to the motion being put.

### Public Participation

Christine Moriarty, Horowhenua District Residents & Ratepayers' Association, commented that Council was not adhering to legislation when it held this meeting behind closed doors, with the reasons cited not stacking up with the grounds in the relevant Acts. This did not reflect the spirit of the Local Government Official and Meetings Act 1987 (LGOIMA) which sought to enshrine openness and transparency. Also breached was Council's own Significance and Engagement Policy, with it being the community which should decide what was and was not significant. As president of HDRAI, she requested to remain in the room should the meeting move In Committee. Further noted by Mrs Moriarty were the 1,500 signatures gathered against the sale of the pensioner housing.

Speaking as an individual, Veronica Harrod said Council was failing to uphold the values of openness and transparency, sentiments expressed in its draft Significant and Engagement document and she did not believe that LGOIMA was being applied with integrity and just cause, but was being incorrectly applied.

Expressing some confusion with regard to the Agenda, Dave Thomson queried the 'recommendation from the Evaluation Panel': who had made that resolution and if there were any minutes available from when the decision was made to go In Committee.

Mr Clapperton clarified that that was the title of the report that would be considered In Committee and the recommendation to go into public excluded came from the Chief Executive, not the Panel.

Mr Thomson commented that members were elected to make decisions on the community's behalf and it was not for the CE to be making decisions as he was not an elected member. Councillors should be telling staff what to do, not the other way around.

Expressing that she was constrained with what she would like to say, Jenny Lundie said she considered the whole process flawed and the matter should not be discussed behind closed doors. With confidence in the Council being at a low point, Ms Lundie said making decisions behind closed doors allowed individuals to sidestep responsibility for the decisions they made.

In her comments, Vivienne Bold said she was sick and tired of things being discussed behind closed doors and everyone was feeling a bit disgusted about the whole attitude.

Bryan Ten Have said that because of the significance of the decision to be made, it was a catastrophe to have it made behind closed doors and went on to comment on the fact that pensioner housing was a community asset; owned by the community.

Deputy Mayor Bishop raised a point of order with respect to Mr Ten Have's comments being off topic.

Mr Ten Have continued that the public were being stonewalled by the decision to go In Committee, with commercial interests being used as the excuse to discuss the matter in private when it would be possible to consider the matter in the public arena without identifying interested parties.

Expressing a concern in relation to the doubtful ability of interested community housing providers to continue to confine the ongoing tenancy of the entire 115 pensioner houses for pensioners, including those with disabilities, Lew Rohloff, Horowhenua GreyPower said he would like to acquaint members with developments that had occurred since last year when the decision was made to proceed with this action.

Being directed to confine his comments to the procedural motion to exclude the public, Mr Rohloff said it was a pity that Councillors could not hear the information he had to provide to members.

Christina Paton commented that given that rates demands were publicly available and given that public finances may be at risk with the proposed sale, in her view, public exclusion may not be to Council's advantage. She queried if elected members were completely satisfied with the integrity of the Terms of Reference as to whether the ratepayers at large were safeguarded.

With the conclusion of public participation, Mayor Feyen, for clarify reiterated his proposed procedural motion and then spoke in some detail to his reasons why he suggested the meeting be adjourned.

MOVED by Cr Feyen, seconded Cr Campbell:

*THAT the meeting be adjourned to allow for this significant matter to be reviewed by the Finance, Audit and Risk Committee and to allow a fuller briefing to all elected members to take place and to allow for more extensive public consultation."*

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

**For:**

Councillors: Ross Campbell

**Against:**

Councillors: Wayne Bishop  
Ross Brannigan  
Michael Feyen  
Neville Gimblett  
Victoria Kaye-Simmons  
Joanna Mason  
Christine Mitchell  
Piri-Hira Tukapua  
Bernard Wanden

Having just joined the meeting, Cr Judd said he was not in a position to comment.

The division was declared LOST by 1 vote to 9.

**3 Procedural motion to exclude the public**

MOVED by Cr Brannigan, seconded Cr Gimblett:

*THAT the public be excluded from the following part(s) of the proceedings of this meeting.*

*The general subject of each matter to be considered while the public is excluded, the reason 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 follows.*

*This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:*

**C1 Recommendation from Evaluation Panel Re: Proposed Stock Transfer of Community Housing**

| <i>Reason for passing this resolution in relation to each matter</i>  | <i>Particular interest(s) protected (where applicable)</i>   | <i>Ground(s) under section 48(1) for the passing of this resolution</i>   |
|---|--|---|
| <i>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</i> | <i>s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.<br/>s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.<br/>s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</i> | <i>s48(1)(a)<br/>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</i> |

The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting.

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

**For:**

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

**Against:**

Councillors: Ross Campbell  
Michael Feyen

The division was declared CARRIED by 9 votes to 2.

4.55 pm      The public were excluded.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available.

8.25 pm

There being no further business, the Chairperson declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD  
AT A MEETING OF COUNCIL HELD ON

**DATE:**.....

**CHAIRPERSON:**.....