
MINUTES

WEDNESDAY 27 OCTOBER 2010

5.42PM – 6.41PM

**Hlott Theatre
Town Hall
Wakefield St
Wellington**

PRESENT:

Mayor Wade-Brown (5.42pm – 6.41pm)
Councillor Ahipene-Mercer (5.42pm – 6.41pm)
Councillor Best (5.42pm – 6.41pm)
Councillor Cook (5.42pm – 6.41pm)
Councillor Coughlan (5.42pm – 6.41pm)
Councillor Eagle (5.42pm – 6.41pm)
Councillor Foster (5.42pm – 6.41pm)
Councillor Gill (5.42pm – 6.41pm)
Councillor Lester (5.42pm – 6.41pm)
Councillor McKinnon (5.42pm – 6.41pm)
Councillor Marsh (5.42pm – 6.41pm)
Councillor Morrison (5.42pm – 6.41pm)
Councillor Pannett (5.42pm – 6.41pm)
Councillor Pepperell (5.42pm – 6.41pm)
Councillor Ritchie (5.42pm – 6.41pm)

161/10C **CHIEF EXECUTIVE'S WELCOME**
(1215/11/IM)

NOTED:

The Chief Executive Garry Poole opened the meeting and welcomed those present.

162/10C **APOLOGIES**
(1215/11/IM)

NOTED:

There were no apologies.

163/10C **DECLARATION OF THE MAYOR ELECT MADE PURSUANT TO
CLAUSE 14 OF SCHEDULE 7 OF THE LOCAL GOVERNMENT
ACT 2002**
(1215/11/IM)

1. The Chief Executive Garry Poole called Mayor Elect Celia Wade-Brown forward to make her declaration.
2. The Mayor Elect made her declaration as follows:

“Ko au a **Celia Margaret Wade-Brown**, Ko taku kupu tēnei. Ka tutuki i ahau, ki tāku e pono nei, ngā kawenga katoa hei painga mō te Tāone o Pōneke i runga i te mana kua riro mai i ahau, hei Kahika o Te Kaunihera o te Tāone o Pōneke, i raro i te Ture Kāwanatanga ā-Rohe 2002, te Ture Pārongo, Huinga Ōkawa ā-Kāwanatanga 1987, me ētahi atu ture rānei.”

“I, **Celia Margaret Wade-Brown**, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of Wellington City, the powers, authorities, and duties vested in, or imposed upon, me as Mayor of the Wellington City Council by virtue of the Local Government Act 2002, the Local Government Official Information & Meetings Act 1987, or any other Act.”

3. Mayor Wade-Brown assumed the Chair at this point and invited the Councillors to come forward and make their declarations.

164/10C **DECLARATION OF COUNCILLORS ELECT MADE PURSUANT TO CLAUSE 14 OF SCHEDULE 7 OF THE LOCAL GOVERNMENT ACT 2002**
(1215/11/IM)

NOTED:

The Councillors made their declarations as follows:

“Ko au a **Ngairi Elizabeth Best, Justin Mark Lester, Helene Ruth Paula Ritchie, Raymond Ahipene-Mercer, Tahere Paul Eagle**, Ko taku kupu tēnei. Ka tutuki i ahau, ki tāku e pono nei, ngā kawenga katoa hei painga mō te Tāone o Pōneke i runga i te mana kua riro mai i ahau, hei mema o Te Kaunihera o te Tāone o Pōneke, i raro i te Ture Kāwanatanga ā-Rohe 2002, te Ture Pārongo, Huinga Ōkawa ā-Kāwanatanga 1987, me ētahi atu ture rānei.”

“I, **Ngairi Elizabeth Best, Justin Mark Lester, Helene Ruth Paula Ritchie, Johanna Ellen Coughlan, Andrew John Whitfield Foster, John Francis MacLean Morrison, Stephanie Thornley Cook, Ian Duncan McKinnon, Iona Katherine Mary Pannett, Raymond Ahipene-Mercer, Leonie Frances Gill, Simon Charles Norman Marsh, Tahere Paul Eagle and Bryan Robert Pepperell**, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of Wellington City, the powers, authorities, and duties vested in, or imposed upon, me as a member of the Wellington City Council by virtue of the Local Government Act 2002, the Local Government Official Information & Meetings Act 1987, or any other Act.”

165/10C **GENERAL EXPLANATION**
(1215/11/IM)

NOTED:

The Chief Executive gave an explanation of the Local Government Official Information And Meetings Act 1987 and other laws affecting the members including the appropriate provisions of the Local Authorities (Member’s Interests) Act 1968; the Crimes Act 1961; the Secret Commissions Act 1910; and the Securities Act 1978:

“As Chief Executive of the Wellington City Council, I am required to give a general explanation to elected members of certain legislation which controls the way in which the Council’s business may be conducted and the laws affecting elected members. This explanation does not attempt to cover all the detailed points of the legislation, but brings to your attention the key issues affecting your role and functions as Council members.”

The Local Government Official Information and Meetings Act 1987

This Act governs the availability of information and is based on the principle that information should be made publicly available, unless one or more specific withholding grounds apply. Matters relating to requests and release of information are administered by officers of the Council.

This Act also sets meeting procedures and requirements. These include:

- *the requirement to give public notice of meetings;*
- *the public availability of the agenda and supporting papers for meetings of the Council, and its committees and subcommittees;*
- *the circumstances when the Council may resolve to exclude the public from meetings, and the procedure that must be followed in such circumstances; and,*
- *the responsibility of the Chair to maintain order at meetings.*

Other laws affecting elected members

There are certain legislative provisions which elected members must be aware of.

The first is the Local Authorities (Members' Interests) Act 1968, which has two main aspects:

- *This Act prohibits certain contracts between the Council and its members, or with persons associated with its members. A breach results in loss of office.*
- *This Act also prohibits an elected member from discussing or voting on an issue in which the member, directly or indirectly, has a pecuniary interest. Any member found to have contravened this part of the Act could be prosecuted, and if convicted, would lose office.*

Under the Crimes Act 1961 a member of a local authority who obtains or accepts or offers to accept any bribe to do, or not do, something, or who corruptly uses information obtained in an official capacity to get a direct or indirect pecuniary advantage, is liable to a term of imprisonment of up to seven years.

Under the Secret Commissions Act 1910, an elected member who accepts a gift or obtains any advantage from any other party as a reward for doing any act in relation to Council business commits an offence. It is also an offence not to disclose a pecuniary interest in any contract, and also to aid or abet or be involved in any way in an offence under this Act. Conviction can lead to imprisonment for up to two years and a fine of up to \$1,000.

Under the Securities Act 1978, elected members are in the same position as company directors if the Council were to offer stock to the public, such as to issue stock under its borrowing powers. Elected members therefore have the same responsibilities as directors and may be personally liable if investment

documents, such as a prospectus, contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

In addition to these key statutory provisions, if an elected member is convicted of an offence that carries a term of two or more years of imprisonment under any Act I have specified, or under any other Act, that member will lose office.”

166/10C **MAYOR WADE-BROWN’S OPENING SPEECH**
(1215/11/IM)

NOTED:

“Rangatira e hoa ma mokopuna, tēnā koutou
Te whare e tu nei, Papatuānuku e takato nei; tēnā korua.
Nō reira, nau mai, haere mai, whakatau mai rā!

Talofa lava, malo e lelei, kia orana, bula vinaka, taloha ni, talofa.
Ni hao; namaste; vanakkam; mabouhay; salaam; shalom; jambo; bonjour;
konichiwa. Welcome.

Your Excellencies; Ministers; Members of Parliament; Councillors;
representatives of the emergency services and community groups;
colleagues; friends and family.

Today I am privileged to welcome you to the inauguration of the new
Council. Thank you for being here with us.

Even though we are not in the Council Chamber, where previous Mayors
gaze down sternly on proceedings from their portraits, I am very aware of
the responsibilities of this post, which weigh far more than the chains of
office.

I would like to immediately acknowledge the three Mayors I have worked
with: Fran Wilde, Mark Blumsky and Kerry Prendergast. I’d particularly
like to thank Kerry for her tireless and resolute work for Wellington in her
24 years as Mayor, Deputy Mayor and City Councillor.

It is perhaps appropriate that the journey which brought me here started next
to railway lines, in a council flat in Paddington, West London, where
passing steam trains used to rattle the coffee pot on the stove.

One of my earliest memories is planting seeds with my grandmother – and
the excitement of seeing green shoots poking up through the sooty earth.

I came to Wellington in 1983 and fell in love with this compact city with its
wild spaces and wooden houses perched on hills. Perhaps it was inevitable
that I’d promote public transport, love community gardens and want to
combine open spaces with cosmopolitan city life.

I was given the opportunity to do so in 1994 when, after a career in IT programming, consultancy and teaching, I was elected to the City Council.

Sixteen years later I am the third woman Mayor of Wellington. We have come a long way since 1893 when the electors of Onehunga made Elizabeth Yates not only New Zealand's but the British Empire's first woman Mayor.

Her election was not without problems – it prompted the resignation of four councillors and the Town Clerk who insisted on returning to disrupt meetings.

Her term was just one tumultuous year, but in that time she was hugely successful, eliminating the borough debt, reorganising the fire service, improving streets and sanitation and more.

That is a sign that whatever the difficulties of the times, local authorities can achieve a vast amount for the benefit of local people. Good decisions made over the next three years will shape Wellington for decades to come.

Many aspects of Wellington are terrific – we are rightly proud of our creative sector, greener office buildings, the international events we host and our sports scene.

As your Mayor I will be able to advance more effectively issues I have worked on for years in Council. These include good transport choices, clean technology and community involvement.

I hope to enjoy more support from my colleagues than Elizabeth Yates did – no one has resigned so far – and that by working together and with our communities Wellington City Council can do great things

I look forward to working with the elected Councillors and Board members, who bring their own ideas and community priorities to the table, and Council staff, many of whom I know already and others I will have the pleasure of getting to know better.

I look forward to working with other Mayors from around the region and country, and others at home and abroad as we address local, national and international issues.

I will seek to consolidate and deepen our partnership with iwi in this exciting time of settlements and post-settlement opportunities. As a relatively recent arrival I am honoured to commit myself to working with descendants of the earliest inhabitants of this region to build a better city for all.

Together we can face the many challenges and opportunities of the 21st century. We need all the voices that make up Wellington's diverse

communities to be heard and it will be my role as Mayor to bring those communities of interest to the table and craft a shared vision.

I would like to thank my supporters for the faith they have shown in me. I will work very hard to justify that faith.

I can reassure those who did not support me that I will be a Mayor for all Wellingtonians. I will be open to ideas and my decisions will be taken in the sincere belief that they are in the best interests of Wellington, not the agenda of a particular party or group.

I will not overlook the majority who, for whatever reason, did not vote. Their ideas, hopes and desires can play a large part in the future of this city – and I hope that in three years’ time many will have been persuaded that their vote can make a difference.

I acknowledge that many people feel challenged by the electoral system, but I believe it has reflected the will of the people in all its complexity, in a way first-past-the-post could not. Now the election is behind us and I trust Wellington will bring its formidable energy to bear on the path ahead.

I believe in the partnership of clean technology and community action. I believe Wellington can lead by example in combining social, environmental and economic wellbeing.

I believe in combining community wisdom and high-tech innovation. I believe in hope for the future and would like to acknowledge the young Wellingtonians who will shortly demonstrate their passion – and challenge us to shape a future fit for them.

It is with profound humility but with a great sense of honour that I accept the task the people of Wellington have given me.

Thank you.”

167/10C **DATE AND TIME OF FIRST COUNCIL MEETING (6.37PM – 6.38PM)**
 Report of Svea Cunliffe-Steel – City Secretary.
 (1215/11/IM) (REPORT 1)

Moved Mayor Wade-Brown, seconded Councillor McKinnon, the substantive motion.

The substantive motion was put and was declared CARRIED on voices.

RESOLVED:

THAT Council:

1. *Receive the information.*

2. *Agree to set the first meeting of the triennium for 9.15am on Thursday, 11 November 2010, to be held in the Council Chamber, Wellington Town Hall.*

168/10C **ELECTION OF DEPUTY MAYOR** (6.38PM – 6.40PM)
 Report of Svea Cunliffe-Steel – City Secretary.
 (1215/11/IM) (REPORT 2)

Moved Mayor Wade-Brown, seconded Councillor Ritchie the substantive motion.

The substantive motion was put and declared CARRIED on voices.

Moved Mayor Wade-Brown, seconded Councillor Foster, the motion that Councillor McKinnon be nominated for Deputy Mayor.

Further nominations were called for and none were received.

The motion that Councillor McKinnon be the Deputy Mayor was put and declared CARRIED on voices.

RESOLVED:

THAT Council:

1. *Receive the information.*
2. *Agree the job description for the Deputy Mayor as set out in Appendix One of these minutes.*
3. *Agree to elect Councillor McKinnon as Deputy Mayor of the Wellington City Council for the 2010/2013 triennium.*
4. *Note that the Deputy Mayor may act as an ex officio member on committees and subcommittees in the absence of the Mayor with the Mayor's consent.*

The meeting concluded at 6.41pm.

Confirmed: _____
 Chair
 / /

ROLE DESCRIPTION

Role Title:

Deputy Mayor of Wellington

Role of the Deputy Mayor:

The Deputy Mayor exercises the same roles as other elected members. Elected members are responsible for governance, including:

- the development and adoption of council policy,
- monitoring the performance of the council against its stated objectives and policies,
- prudent stewardship of council resources,
- employment of the Chief Executive.

Elected members are also responsible for representing the interests of the residents and ratepayers of the city.

If the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and exercise any powers of the Mayor (other than the role of Justice of the Peace).

In the absence of the Mayor, for the Council to successfully discharge its responsibilities and duties in support of its purpose, the Deputy Chair is empowered to perform the duties and responsibilities of the Mayor under clause 17(3)(4)(5) of Schedule 7 of the Local Government Act 2002:

17(3) The Deputy Mayor must perform all the responsibilities and duties, and may exercise all the powers, of the Mayor, -

(a) With the consent of the Mayor at any time during the temporary absence of the Mayor; or,

(b) Without that consent, at any time while the Mayor is prevented by illness or other cause from performing the responsibilities and duties, or exercising the powers, of his or her office; or,

(c) While there is a vacancy in the office of the Mayor.

17(4) In the absence of proof to the contrary, a Deputy Mayor acting as Mayor is presumed to have the authority to do so.

17(5) A Deputy Mayor continues to hold his or her office as Deputy Mayor, so long as he or she continues to be a member of the territorial authority, until the election of his or her successor.

APPENDIX ONE

When acting as Mayor, the additional responsibilities exercised by the Deputy Mayor shall include, but not be limited to, the following:

- Presiding at Council meetings and ensuring such meetings (including the business transacted at those meetings) are conducted in accordance with Standing Orders and any relevant legislation that may apply from time to time.
- Advocating on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and the support of the Council.
- To act as spokesperson for the council.
- To act as the ceremonial head of council.
- To provide leadership and feedback to other elected members on teamwork and chairing of subordinate decision making bodies.