
MINUTES

THURSDAY 11 NOVEMBER 2010

7.00 PM – 7.26PM

**THE BOARDROOM
TAWA COMMUNITY CENTRE
5 CAMBRIDGE STREET
TAWA**

PRESENT:

Graeme Hansen (7.00pm –7.26pm)
Margaret Lucas (7.00pm –7.26pm)
Chris Reading (7.00pm –7.26pm)
Malcolm Sparrow (7.00pm –7.26pm)
Alistair Sutton (7.00pm –7.26pm)
Robert Tredger (7.00pm –7.26pm)
Councillor Best (7.00pm –7.26pm)
Councillor Lester (7.00pm –7.26pm)

IN ATTENDANCE:

John McGrath, Manager - Policy
Lauren Kemple, Community Board Coordinator

120/10TB APOLOGIES
(1215/12/IM)

John McGrath conveyed to the Board apologies from Garry Poole, Chief Executive Officer, and Svea Cunliffe-Steel, City Secretary. Councillor Best conveyed apologies from Councillor Pannett.

121/10TB MAYOR'S WELCOME
(1215/12/IM)

NOTED:

Mayor Wade-Brown welcomed those present to the meeting.

122/10TB **DECLARATIONS**
(1215/12/IM)

NOTED:

Mayor Wade-Brown called each Board member forward. They made their declaration of intent to serve as a member of the Tawa Community Board.

“I, Graeme Mark Hansen, Margaret Ruth Lucas, Christopher Kemp Reading, Malcolm Lloyd Sparrow, Alistair Hall Sutton, Robert Stephen Tredger, Ngaire Elizabeth Best, Justin Mark Lester, 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 the Tawa Community, the powers, authorities, and duties vested in, or imposed upon, me as a member of the Tawa Community Board by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other act.”

123/10TB **GENERAL EXPLANATION**
(1215/12/IM)

NOTED:

John McGrath, Manager – Policy, representing the Chief Executive Officer, Garry Poole, read the general explanation to the Board on 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; sections 99, 105 and 105A of the Crimes Act 1961; the Secret Commissions Act 1910; and the Securities Act 1978.

“As the representative of the Chief Executive of Wellington City Council, I am required to give a general explanation to elected members of certain legislation which controls the way in which the Community Board’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 Tawa Community Board 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 of the 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 the meetings of the Council and its committees, subcommittees and community boards;

- 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.

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

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

- The Act prohibits certain contracts between the Council and its members, or with persons associated with its members. A breach could result in loss of office.
- The 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.”

124/10TB **ELECTION OF CHAIR AND DEPUTY CHAIR**

Report of Svea Cunliffe-Steel, City Secretary, Democratic Services
(1215/12/IM)

(REPORT 1)

NOTED:

Moved Graeme Hansen, seconded Chris Reading

THAT the Tawa Community Board:

1. *Receive the information.*
2. *Note the job description for the Chairperson of the Community Board as approved by Council and set out in Appendix One.*
3. *Agree to elect a member as Chairperson of the Tawa Community Board for the 2010/2013 triennium.*
4. *Agree to appoint a member as Deputy Chairperson of the Tawa Community Board for the 2010/2013 triennium.*
5. *Agree that the elected Chair will undergo Chair training facilitated by Democratic Services within six months of their appointment.*

Moved Councillor Best, seconded Robert Tredger the following amendment to recommendation 4:

4. *Agree that the appointment of a member as the Deputy Chairperson of the Tawa Community Board for the 2010/2013 triennium be considered at the Board's next meeting.*

The amendment was put and declared CARRIED.

The amended substantive was put and declared CARRIED.

RESOLVED:

THAT the Tawa Community Board:

1. *Receive the information.*
2. *Note the job description for the Chairperson of the Community Board as approved by Council and set out in Appendix One.*
3. *Agree to elect a member as Chairperson of the Tawa Community Board for the 2010/2013 triennium.*

~~4. Agree to appoint a member as Deputy Chairperson of the Tawa Community Board for the 2010/2013 triennium.~~

4. Agree that the appointment of a member as the Deputy Chairperson of the Tawa Community Board for the 2010/2013 triennium be considered at the Board's next meeting.

5. Agree that the elected Chair will undergo Chair training facilitated by Democratic Services within six months of their appointment.

NOTED:

The resolution differs from the recommendations in the officer's report with the Board adding the words in **bold**.

Mayor Wade-Brown called for nominations for the Chair of the Tawa Community Board.

Margaret Lucas nominated Malcolm Sparrow as Chair. This nomination was seconded by Graeme Hansen.

Chris Reading nominated Robert Tredger as Chair. This nomination was seconded by Alistair Sutton.

Mr Sparrow received votes from Mr Hansen, Mrs Lucas, Mr Sparrow, Councillor Best and Councillor Lester.

Mr Tredger received votes from Mr Reading, Mr Sutton and Mr Tredger.

Mayor Wade-Brown declared that Mr Sparrow was elected Chair of the Tawa Community Board for the 2010-2013 triennium.

Mr Sparrow took the Chair and addressed the Board.

125/10TB **SETTING OF THE FIRST ORDINARY MEETING**
 Report of Svea Cunliffe-Steel, City Secretary, Democratic Services
 (1215/12/IM) (REPORT 2)

RESOLVED:

Moved Malcolm Sparrow, seconded Robert Tredger

THAT the Tawa Community Board:

1. *Receive the information.*

2. Agree to set the first ordinary meeting of the triennium for 7.00pm on Thursday, 9 December 2010, at the Tawa Community Centre.

The motion was put and declared CARRIED.

126/10TB **PROCEDURAL MOTION**
(1215/12/IM)

RESOLVED:

Moved Councillor Best, seconded Chris Reading

THAT the Tawa Community Board:-

1. Leave Reports 3, 4 and 5 to lie on the table until the Board's next meeting.

The motion was put and declared CARRIED.

The meeting concluded at 7.26pm.

Confirmed: _____
Chair
/ /