



Christchurch City Council MINUTES

Date: Wednesday 25 January 2023
Time: 9.33am
Venue: Council Chambers, Civic Offices,
53 Hereford Street, Christchurch

Present

Chairperson	Mayor Phil Mauer
Deputy Chairperson	Deputy Mayor Pauline Cotter
Members	Councillor Kelly Barber
	Councillor Melanie Coker
	Councillor Celeste Donovan
	Councillor Tyrone Fields
	Councillor James Gough
	Councillor Tyla Harrison-Hunt
	Councillor Victoria Henstock
	Councillor Yani Johanson
	Councillor Aaron Keown
	Councillor Sam MacDonald
	Councillor Jake McLellan
	Councillor Andrei Moore
	Councillor Mark Peters
	Councillor Tim Scandrett
	Councillor Sara Templeton

Principal Advisor

Dawn Baxendale
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Karakia Tīmatanga: Given by all Councillors

Acknowledgement and Minute's Silence

The Mayor acknowledged the death of New Zealander Andrew Bagshaw, an aid worker in Ukraine and the recent passing of Jeremy Agar, Vice President of the Summit Road Society. Councillor Fields shared the following words to honour Jeremy Agar's legacy and the meeting then held a minute's silence:

Jeremy Agar sadly passed away in December 2022, at the age of 80.

Jeremy was a warm, kind, generous, and fiercely intelligent human being who was devoted to his community of Lyttelton and Banks Peninsula. He was witty, urbane, and immensely well-read, using these skills to great effect as an advocate for social justice, for the protection of our environment, and as a passionate supporter of the Crusaders and All Blacks.

His contributions were many. He was a teacher, writer, advocate, trustee, governor, volunteer, and something of a rugby savant. He was a former Banks Peninsula District Councillor who understood the special character of the Peninsula and its communities.

And he also knew that Christchurch and Banks Peninsula would be stronger together. There is no better example of this than in the work he did towards the end of his life, leading the charge for a Predator Free Port Hills through his work with the Summit Road Society, which will form part of a rich and deserved legacy. He will be missed.

The agenda was dealt with in the following order.

1. Apologies Ngā Whakapāha **Council Decision**

There were no apologies received.

2. Declarations of Interest Ngā Whakapuaki Aronga

Councillor Templeton declared an interest in Public Excluded item 14.

2.1 Declaration by the Auditor-General

In relation to Item 10, the Council received a Declaration by the Auditor-General pursuant to section 6 of the Local Authorities (Members' Interests) Act 1968. The declaration allowed the Mayor and Councillors to vote on and participate in Item 10, the 'Review of the Council's Policy for the Appointments and Remuneration of Directors of Council Organisations.' This item was first considered at the meeting on 14 December 2022, and left to lie on the table until the meeting on 25 January 2023. As such, this Declaration was reconfirmed and continued to remain valid for all members of the Council.

Attachments

- A Letter from Office of the Auditor-General to Christchurch City Council
- B Memo - Confirmation of the Office of the Auditor-General's Declaration

3. Public Participation Te Huinga Tūmatanui

3.1 Public Forum Te Huinga Whānui

3.1.1 Geoffrey King

Geoffrey King spoke to the Council regarding odour in the eastern suburbs and the causes, including notices of non-compliance from Environment Canterbury and his disappointment with progress made to date.

3.1.2 Central City Business Association (CCBA)

Annabel Turley and Shaun Stockman spoke on behalf of the Christchurch Central City Business Association (CCBA) regarding safety in the Central City.

3.2 Deputations by Appointment Ngā Huinga Whakaritenga

There were no deputations by appointment.

4. Presentation of Petitions Ngā Pākikitanga

There was no presentation of petitions.

5. Council Minutes - 7 December 2022

Council Resolved CNCL/2023/00001

That the Council Confirm the Minutes from the Council meeting held 7 December 2022.

AND

That the Council Confirm the Minutes from the Council meeting held 14 December 2022.

Councillor MacDonald/Councillor Scandrett

Carried

Councillor McLellan left the meeting at 9.58am and returned at 10.00am during item 5.

6. Council Minutes - 14 December 2022

Council Decision

Refer Item 5.

7. Policy and Practices 2021/2022-Section 10A Requirement Dog Control Act 1996

Council Resolved CNCL/2023/00002

Officer Recommendations accepted without change

That the Council:

1. Receive the information in the Policy and Practices 2021/2022-Section 10a Requirement Dog Control Act 1996 Report.

2. Adopt the 2021/2022 Annual report on the administration of the Council's dog control policy and practices, as set out in Section 10A of the Dog Control Act 1996.

Councillor Scandrett/Councillor MacDonald

Carried

8. 2022-23 Metropolitan Discretionary Response Fund - YSAR Trust

Council Resolved CNCL/2023/00003

Officer Recommendations accepted without change

That the Council:

1. Makes a grant of \$16,369 from the 2022-23 Metropolitan Discretionary Response Fund to the YSAR Trust towards the costs of purchasing a Portable Repeater for their development programme.

Councillor Templeton/Councillor Harrison-Hunt

Carried

Councillor MacDonald left the meeting at 10.01am and returned at 10.02am during item 8.

10. Review of the Council's Policy for the Appointments and Remuneration of directors of Council Organisations

Item 10 was initially considered at the Council meeting on 14 December 2022 where the Mayor Moved a set of updated recommendations (refer to 1a and 2-14 below) which were Seconded by Councillor Barber.

Two foreshadowed motions (1b and 1c) were also tabled at the meeting on 14 December 2022. Foreshadowed Motion 1b was not Moved or Seconded. Councillor MacDonald indicated he would move Foreshadowed Motion 1c. It was noted that should Recommendation 1a, Foreshadowed Motion 1b or Foreshadowed Motion 1c not carry, the status quo would remain.

Councillor Keown also put forward a foreshadowed amendment to 1a at the meeting on 14 December 2022 (refer below).

The foreshadowed motions and foreshadowed amendment were not voted on at the 14 December meeting, as Councillor MacDonald moved a Procedural Motion, Seconded by Councillor Templeton, to let the item lie on the table, not be discussed further, and be deferred to the Council meeting on 25 January 2023 to enable a workshop to take place. The Procedural Motion was declared carried [CNCL/2022/00222].

Prior to the commencement of the meeting, Councillor Keown withdrew his amendment to 1a. The Foreshadowed Motion 1b was also withdrawn and neither were considered when this item was picked up again at the 25 January 2023 meeting.

Regarding recommendations 2 through 14 as originally Moved by the Mayor and Seconded by Councillor Barber, the Mover and Seconder, with the agreement of the meeting, withdrew recommendations 12 and 13. Further, recommendation 14 was amended with the agreement of the meeting and renumbered (refer to resolution 12 below). Finally, a new recommendation 13 was added with the agreement of the meeting noting that the current Appointments Policy notes Directors fees for Council organisations include an element of public service discount.

Before voting on the updated recommendations 2 through 13, the meeting considered recommendation 1a as originally moved by the Mayor and Seconded by Councillor Barber. This motion was put to the vote and declared lost by division.

Foreshadowed Motion 1c was amended with the agreement of the meeting and Moved by Councillor MacDonald and Seconded by Councillor Henstock. The amended Foreshadowed Motion 1c was put to the vote and declared lost by division.

As both recommendation 1a and amended Foreshadowed Motion 1c were lost, the status quo, in which Councillor-director fees are not personally received but rather donated to the Mayor's Welfare Fund, was maintained.

Recommendations 2 through 13 as amended and Moved by the Mayor and Seconded by Councillor Barber were voted on and declared carried.

Original Officer Recommendations

That the Council:

1. Approves the following governance changes to be reflected in the Council's Policy for the Appointment and Remuneration of Directors of Council Organisations to apply to all Council-controlled organisations' boards:
 - a. Prohibit staff appointments to operational Council-controlled organisation boards, but retain the ability to appoint staff to non-trading shelf Council-controlled organisations;
 - b. Elaborate on diversity guidance to include gender, ethnicity, Māori whakapapa, LGBTI affinity, age, culture, disability, background and experience;
 - c. Require all Chair appointments to be approved by the Council (including where an incumbent director of a board is appointed);
 - d. Require all proposed re-appointments of incumbent directors to be approved by the Council;
 - e. Reduce the number of terms that directors can serve on a Council-controlled organisation's board to two terms of three years with a third if the Council considers it is warranted;
 - f. Include in core skills and capabilities for Council-controlled organisation board members – sector knowledge, understanding and commitment to the Council's obligation to Te Tiriti o Waitangi, reliability and dependability;
 - g. All proposed appointments and re-appointments to Council-controlled organisation boards to be accompanied by a skills and expertise matrix of the board's governance requirements and how the proposed mix of directors meet the requirements.
2. Agrees to the treatment of fees to elected members who are appointed to Council-controlled organisation boards as follows:

EITHER:

 - a. Status quo - fees are not received personally by councillor-directors and Christchurch City Holdings Ltd, ChristchurchNZ Holdings Ltd and Transwaste Canterbury continue to make donations to Tahua Taupua Mayor's Welfare Fund in lieu of councillor-director's fees;

- OR
 - b. Councillor-directors of Christchurch City Holdings Ltd only be entitled to receive fees personally as recompense for the workload, liabilities and reputational risk faced as directors;
 - c. OR
 - d. Councillor-directors of all Council-controlled organisations be entitled to receive fees personally as recompense for their governance work on the boards;
3. if recommendation 2a. is agreed - EITHER:
- i. Council-controlled organisations need not donate amounts equal to the fees and can instead retain the value of the fees within the organisation;
- OR
- ii. Only commercially profitable Council-controlled organisations donate the value of fees not paid to councillor-directors to the Tahua Taupua Mayor's Welfare Fund or other recipient the Council may choose;
- OR
- iii. All Council-controlled organisations, whether profitable or not make donations in lieu of paying fees to the Tahua Taupua Mayor's Welfare Fund, and bear the costs of doing so;
- OR
- iv. Councillor-directors who receive fees from Council-controlled organisations as a result of board membership determine and declare the recipients of donations in lieu of fees, but cannot retain the value personally;
4. Consider whether to reduce the number of elected member appointments to the ChristchurchNZ Holdings Ltd board from two to one; and
5. Notes that in 2022, the value of fees donated in lieu of director's fees for Councillor-directors was \$291,600 and if reduced to profitable Council-controlled organisations only would be \$122,000 based on two councillor-directors for Christchurch City Holdings Ltd and one for Transwaste Canterbury Ltd.

4. Motions left to lie on the table - 14 December 2022

Recommendation 1a and 2 to 14 Moved by the Mayor and Seconded by Councillor Barber

That the Council:

1. (a) Agrees that elected members who are appointed to Christchurch City Holdings Limited, Christchurch New Zealand, Ōtautahi Christchurch Housing Trust and Transwaste will be entitled to receive any fees personally as recompense for their governance work on the boards;
2. Requests that CCHL provide an annual donation of the amount equal to the fees otherwise paid to the two Councillor-directors disestablished at the 7 December Council meeting into the Mayor's Welfare Charitable Fund;

3. Notes that there will be two Councillor-directors on each of the boards of Christchurch City Holdings Limited, Christchurch NZ Holdings Ltd and Venues Otautahi.
4. Approves the following governance changes to be reflected in the Council's Policy for the Appointment and Remuneration of Directors of Council Organisations to apply to all Council-controlled organisations' boards:
5. Prohibit staff appointments to operational Council-controlled organisation boards, but retain the ability to appoint staff to non-trading shelf Council-controlled organisations;
6. Continue to ensure CCHL elaborate on diversity guidance to include gender, ethnicity, Māori whakapapa, LGBTI affinity, age, culture, disability, background and experience;
7. Require all Chair appointments to be approved by the Council (including where an incumbent director of a board is appointed);
8. Require all proposed re-appointments of incumbent directors to be approved by the Council;
9. Reduce the number of terms that directors can serve on a Council-controlled organisation's board to two terms of three years with a third if the Council considers it is warranted;
10. Continue to ensure core skills and capabilities for Council-controlled organisation board members – sector knowledge, understanding and commitment to the Council's obligation to Te Tiriti o Waitangi, reliability and dependability;
11. Require all proposed appointments and re-appointments to Council-controlled organisation boards to be accompanied by a skills and expertise matrix of the board's governance requirements and how the proposed mix of directors meet the requirements.
12. That CCHL report back as part of their Director fee review this year, the amount of discount applied to the public service element of Directors roles on CCHL and its wholly owned Subsidiaries. As part of this review that CCHL consider an appropriate donation to recognise this discount to the Mayors welfare fund commencing the year ended June 2024.
13. Notes that in 2022, the value of fees donated in lieu of director's fees for Councillor-directors was \$291,600 and if reduced to profitable Council-controlled organisations only would be \$122,000 based on two councillor-directors for Christchurch City Holdings Ltd and one for Transwaste Canterbury Ltd.
14. To allow the ChristchurchNZ board to carry out its own appointments process, instead of Christchurch City Holdings Limited.

Foreshadowed Amendment if Recommendation 1(a) is carried

Secretarial Note: *Put forward by Councillor Keown but withdrawn prior to the commencement of the meeting.*

That the Council:

1. (a) Agrees that elected members who are appointed to Christchurch City Holdings Limited, Christchurch New Zealand, Ōtautahi Christchurch Housing Trust and Transwaste will be entitled to receive any fees personally as recompense for their governance work on the boards; noting that individuals may choose to donate their fees.

Foreshadowed Motion 1(b) if Recommendation 1(a) is not carried

Secretarial Note: *Not Moved or Seconded*

1. (b) Agrees that if recommendation 1 is not carried, then any elected members who are appointed to the board of Christchurch City Holdings Limited will be entitled to receive any fees personally as recompense for their governance work on the boards;

Foreshadowed Motion 1(c) if Recommendation 1(b) is not carried

Secretarial Note: *Indicated to be Moved by Councillor MacDonald*

1. (c) Agrees that elected members who are appointed to Council-controlled organisation boards will be entitled to receive 67% of fees personally as recompense for their governance work on the boards and directs that the remaining 33% will be paid by the respective organisation to the Mayors Welfare Fund.

Secretarial Note: *If lost the Status Quo remains.*

Council Decision

Recommendation 1a Moved by the Mayor and Seconded by Councillor Barber

That the Council:

1. (a) Agrees that elected members who are appointed to Christchurch City Holdings Limited, Christchurch New Zealand, Ōtautahi Christchurch Housing Trust and Transwaste will be entitled to receive any fees personally as recompense for their governance work on the boards;

*The division was declared **lost** by 6 votes to 10 votes the voting being as follows:*

For: Mayor Mauger, Councillor Barber, Councillor Gough, Councillor Henstock, Councillor Keown and Councillor MacDonald

Against: Deputy Mayor Cotter, Councillor Coker, Councillor Donovan, Councillor Fields, Councillor Harrison-Hunt, Councillor Johanson, Councillor McLellan, Councillor Moore, Councillor Scandrett and Councillor Templeton

Abstained: Councillor Peters

Mayor/Councillor Barber

Lost

Council Decision

Amended Foreshadowed Motion 1(c) moved by Councillor MacDonald and Seconded by Councillor Henstock

1. (c) Agrees that elected members who are appointed to Christchurch City Holdings Limited, Christchurch New Zealand, Ōtautahi Christchurch Housing Trust and Transwaste will be entitled to receive 67% of fees personally as recompense for their governance work on the boards and directs that the remaining 33% will be paid by the respective organisation to the Mayors Welfare Fund.

*The division was declared **lost** by 7 votes to 10 votes the voting being as follows:*

For: Mayor Mauger, Councillor Barber, Councillor Gough, Councillor Henstock, Councillor Keown, Councillor MacDonald and Councillor Peters

Against: Deputy Mayor Cotter, Councillor Coker, Councillor Donovan, Councillor Fields, Councillor Harrison-Hunt, Councillor Johanson, Councillor McLellan, Councillor Moore, Councillor Scandrett and Councillor Templeton

Councillor MacDonald/Councillor Henstock

Lost

Recommendations 2 through 13 as amended Moved by the Mayor and Seconded by Councillor Barber

Council Resolved CNCL/2023/00004

That the Council:

2. Requests that CCHL provide an annual donation of the amount equal to the fees otherwise paid to the two Councillor-directors disestablished at the 7 December Council meeting into the Mayor's Welfare Charitable Fund;
3. Notes that there will be two Councillor-directors on each of the boards of Christchurch City Holdings Limited, Christchurch NZ Holdings Ltd and Venues Ōtautahi.
4. Approves the following governance changes to be reflected in the Council's Policy for the Appointment and Remuneration of Directors of Council Organisations to apply to all Council-controlled organisations' boards:
5. Prohibit staff appointments to operational Council-controlled organisation boards, but retain the ability to appoint staff to non-trading shelf Council-controlled organisations;
6. Continue to ensure CCHL elaborate on diversity guidance to include gender, ethnicity, Māori whakapapa, LGBTI affinity, age, culture, disability, background and experience;
7. Require all Chair appointments to be approved by the Council (including where an incumbent director of a board is appointed);
8. Require all proposed re-appointments of incumbent directors to be approved by the Council;
9. Reduce the number of terms that directors can serve on a Council-controlled organisation's board to two terms of three years with a third if the Council considers it is warranted;
10. Continue to ensure core skills and capabilities for Council-controlled organisation board members – sector knowledge, understanding and commitment to the Council's obligation to Te Tiriti o Waitangi, reliability and dependability;
11. Require all proposed appointments and re-appointments to Council-controlled organisation boards to be accompanied by a skills and expertise matrix of the board's governance requirements and how the proposed mix of directors meet the requirements.
12. Notes that under section 8 of the current Appointments Policy CCHL has responsibility for the appointment of directors to Christchurch NZ and Venues Ōtautahi. The Council recommends that the policy be updated so the Chairs of ChristchurchNZ and Venues Ōtautahi are to be added to the Governance and Appointments Committee for their respective appointments.
13. Notes that section 9 of the current Appointments Policy notes Directors' fees for Council organisations include an element of public service discount.

Mayor/Councillor Barber

Carried

Councillor Scandrett sat back from the table and did not vote on resolution 9.
Councillor Gough requested his vote against resolutions 2 through 13 be recorded.
Councillor Johanson requested his vote against resolution 12 be recorded.

The meeting adjourned at 10:17am during item 10 to enable Council Officers to provide procedural advice and reconvened at 10:31am.

9. Councillor Remuneration

The Officer recommendations were Moved by Councillor McLellan and Seconded by Councillor Barber.

Councillor Moore moved an amendment (refer below) that was Seconded by Councillor Johanson. The amendment was debated, put to a vote and declared lost by division.

The Officer recommendations were then put to a vote and declared carried.

Council Motion

That the Council:

1. Receives the report.
2. Approves the distribution of the governance remuneration pool for submission to the Remuneration Authority as follows:
 - a. Deputy Mayor (115% of Councillor rate) - \$135 294.00
 - b. Councillor \$117 647.00
3. Authorises the Head of Legal & Democratic Services to complete the prescribed documentation for the Remuneration Authority.

Councillor McLellan/Councillor Barber

Council Decision

Amendment Moved by Councillor Moore and Seconded by Councillor Johanson

That the Council:

Requests that the Remuneration Authority make no additional increases to the size of the governance remuneration pool for this triennium (ending October 2025).

*The division was declared **lost** by 5 votes to 8 votes the voting being as follows:*

For: *Councillor Coker, Councillor Donovan, Councillor Johanson, Councillor Moore and Councillor Templeton*

Against: *Mayor Mauger, Councillor Barber, Councillor Gough, Councillor Henstock, Councillor Keown, Councillor MacDonald, Councillor Peters and Councillor Scandrett*

Abstained: *Deputy Mayor Cotter, Councillor Fields, Councillor Harrison-Hunt and Councillor McLellan*

Councillor Moore/Councillor Johanson
Council Resolved CNCL/2023/00005

Lost

Officer Recommendations accepted without change

That the Council:

1. Receives the report.
2. Approves the distribution of the governance remuneration pool for submission to the Remuneration Authority as follows:
 - a. Deputy Mayor (115% of Councillor rate) - \$135 294.00
 - b. Councillor \$117 647.00
3. Authorises the Head of Legal & Democratic Services to complete the prescribed documentation for the Remuneration Authority.

Councillor McLellan/Councillor Barber

Carried

Deputy Mayor Cotter sat back from the table and did not vote on resolution 2.

Item - 10. Review of the Council's Policy for the Appointments and Remuneration of directors of Council Organisations - has been moved to another part of the document.

11. Resolution to Exclude the Public

Council Resolved CNCL/2023/00006

That Paul Silk and Alex Skinner of Christchurch City Holdings Ltd and Justin Murray of Enable Services Ltd, remain after the public have been excluded for Item 14 of the public excluded agenda as they have knowledge that is relevant to that item and will assist the Council.

AND

That at 11.47 the resolution to exclude the public set out on pages 90 to 91 of the agenda be adopted.

Councillor MacDonald/Councillor Gough

Carried

Councillor Johanson requested his vote against the resolution to exclude the public for item 13 be recorded.

The public were re-admitted to the meeting at 12.16pm.

Karakia Whakamutunga: Given by all Councillors

Meeting concluded at 12.18pm.

CONFIRMED THIS 1st DAY OF March 2023.

**MAYOR PHIL MAUGER
CHAIRPERSON**