

4 May 2017

Memo to: Mayor and Councillors

Memo from: Administration Advisers

Subject: COUNCIL – 4 MAY 2017 – LATE ITEM

**23. Late Item: Commercial Subcommittee - 27 April 2017
– Public Minutes 5 - 10**

Document M2531

Minutes of the Commercial Subcommittee meeting on 27 April 2017 are attached to be considered as a major late item at this meeting. These minutes were listed as item 23 on the public agenda for the Council meeting on 4 May 2017 to ensure elected members were aware that they would be presented to this meeting.

Section 46A(1)-(6) of the Local Government Official Information and Meetings Act 1987 and Standing Order 2.15.8 require that agendas are distributed with the associated reports. As these minutes were not distributed with the agenda for this meeting, they must be treated as a major late item to be considered at this meeting.

In accordance with section 46A(7) of the Local Government Official Information and Meetings Act 1987 and Standing Order 3.7.5, a procedural resolution is required before a major item that is not on the agenda for the meeting may be dealt with.

In accordance with section 46A(7)(b)(i) the reason why the item was not on the agenda is because it came to hand after the agenda had been distributed.

In accordance with section 46A(7)(b)(ii) the reason why discussion of this item cannot be delayed until a subsequent meeting is because a resolution on the matter is required before the next scheduled meeting of the Council to enable a timely decision to be made.

Recommendation

That the Council

Considers the public item regarding Commercial Subcommittee Minutes – 27 April 2017 at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made.

23. Late Item: Commercial Subcommittee - 27 April 2017 – Public Excluded Minutes

Document M2532

Public Excluded minutes of the Commercial Subcommittee meeting on 27 April 2017 are to be considered as a major late item at this meeting. These minutes were listed as item 15 on the public excluded agenda for the Council meeting on 4 May 2017 to ensure elected members were aware that they would be presented to this meeting.

Section 46A(1)-(6) of the Local Government Official Information and Meetings Act 1987 and Standing Order 2.15.8 require that agendas are distributed with the associated reports. As these minutes were not distributed with the agenda for this meeting, they must be treated as a major late item to be considered at this meeting.

In accordance with section 46A(7) of the Local Government Official Information and Meetings Act 1987 and Standing Order 3.7.5, a procedural resolution is required before a major item that is not on the agenda for the meeting may be dealt with.

In accordance with section 46A(7)(b)(i) the reason why the item was not on the agenda is because it came to hand after the agenda had been distributed.

In accordance with section 46A(7)(b)(ii) the reason why discussion of this item cannot be delayed until a subsequent meeting is because a resolution on the matter is required before the next scheduled meeting of the Council to enable a timely decision to be made.

Recommendation

That the Council

Considers the public excluded item regarding Commercial Subcommittee Minutes 27 April 2017 at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government Official Information and Meetings Act 1987, to enable a timely decision to be made.

PUBLIC EXCLUDED BUSINESS

1. Exclusion of the Public

Recommendation

That the Council

Excludes the public from the following parts 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 are as follows:

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Commercial Subcommittee Meeting - Public Excluded Minutes - 27 April 2017 These minutes contain recommendations to Council regarding 225 Akersten Street - commercial tenancy Strategic Property Acquisition	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none">• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities.• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

15. Commercial Subcommittee - 27 April 2017

5 - 10

Recommendation

That the Council

Receives the unconfirmed minutes of a meeting of the Commercial Subcommittee, held on 27 April 2017.

15.1 Forestry Advisory Group

Recommendation to Council

That the Council

Establishes the Forestry Advisory Group; and

Confirms the members of the Forestry Advisory Group are the Chair of the Commercial Subcommittee, Her Worship the Mayor, Councillor Luke Acland, an independent external forestry expert (Mr Peter Gorman), and two Council officers of which one will be the Group Manager Infrastructure.

Minutes of a meeting of the Commercial Subcommittee

Held in Ruma Mārama, Floor 2A, Civic House, 110 Trafalgar Street, Nelson

On Thursday 27 April 2017, commencing at 1.07pm

Present: Mr J Murray (Chairperson), Her Worship the Mayor R Reese, Councillors I Barker and M Courtney

In Attendance: Councillors G Noonan and S Walker, Chief Executive (C Hadley), Group Manager Corporate Services (N Harrison), and Administration Adviser (S Burgess)

Apologies: Councillor L Acland and Mr J Peters

2. Apologies

Resolved COM/2017/001

That the Subcommittee

Receives and accepts apologies from Councillor Acland and Mr Peters.

Courtney/Barker

Carried

3. Confirmation of Order of Business

The Chairperson advised of one late item for the public excluded part of the meeting, and that the following resolution needed to be passed for the item to be considered:

3.1 Strategic Property Acquisition

Resolved COM/2017/002

That the Subcommittee

Considers the public excluded item regarding Strategic Property Acquisition at this meeting as a major item not on the agenda, pursuant to Section 46A(7)(a) of the Local Government

Official Information and Meetings Act 1987, to enable a timely decision to be made.

Murray/Courtney

Carried

ATTACHMENTS

1 M2527 - LATE ITEM MEMO - STRATEGIC PROPERTY PURCHASE

4. INTERESTS

There were no updates to the Interests Register, and no interests with items on the agenda were declared.

5. Public Forum

There was no public forum.

6. Chairperson's Report

There was no Chairperson's Report.

7. Forestry Advisory Group

Document number R7509, agenda pages 6 - 12 refer.

The Chief Executive, Clare Hadley, presented the report.

Attendance: Her Worship the Mayor joined the meeting at 1.12pm.

Mrs Hadley responded to questions regarding the proposed terms of reference for the Forestry Advisory Group (the Group), officer involvement, delegations, reporting, decision-making processes, strategic context, and the review period for the Group.

Some concern was raised with the level of decision-making power proposed for the Group. Mrs Hadley clarified that the matters the Group would be considering were within the level of officer delegated authority.

It was suggested the terms of reference could be amended to clarify and expand on matters raised by the Subcommittee. It was agreed that the terms of reference and amendments to the Delegations Register would be left to lie on the table.

On the suggestion to have two elected members in the Group to increase governance oversight, it was agreed that Her Worship the Mayor would be added to the proposed Group membership.

Resolved COM/2017/003

That the Subcommittee

Receives the report Forestry Advisory Group (R7509) and its attachments (A1741123 and

A1741119); and

Leaves the Forestry Advisory Group Terms of Reference (A1739267) and amendments to the Delegations Register (A1741119) to lie on the table.

Barker/Courtney

Carried

Recommendation to Council COM/2017/004

That the Council

Establishes the Forestry Advisory Group; and

Confirms the members of the Forestry Advisory Group are the Chair of the Commercial Subcommittee, Her Worship the Mayor, Councillor Luke Acland, an independent external forestry expert (Mr Peter Gorman), and two Council officers of which one will be the Group Manager Infrastructure.

Barker/Courtney

Carried

8. Exclusion of the Public

Lee Babe, of Nelmac Ltd, was to be in attendance for item six of the Public Excluded agenda to answer questions and, accordingly, the following resolution was passed:

Resolved COM/2017/005

That the Subcommittee

Confirms, in accordance with section 48(5) of the Local Government Official Information and Meetings Act 1987, that Lee Babe of Nelmac Ltd remains after the public has been excluded, for Item 6 of the Public Excluded agenda (Referred Report: Nelmac Limited draft Statement of Intent 2017/18), as he has knowledge that will assist the Subcommittee;

Notes, in accordance with section 48(6) of the Local Government Official Information and Meetings Act 1987, the knowledge that Lee Babe possesses relates to the Nelmac Limited draft Statement of Intent 2017/18.

Murray/Courtney

Carried

Resolved COM/2017/006

That the Subcommittee

Excludes the public from the following parts 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 are as follows:

Barker/Courtney

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Public Excluded Status Report - Commercial Subcommittee - 27 April 2017	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities
2	225 Akersten Street - commercial tenancy	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities
3	Haven Precinct Next Steps	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> • Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities
4	Referred Report: Nelmac Limited	Section 48(1)(a)	The withholding of the information is necessary:

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
	draft Statement of Intent 2017/18	The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	<ul style="list-style-type: none"> Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

Resolved COM/2017/007

That the Subcommittee

Excludes the public from the following parts 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 are as follows:

Barker/Her Worship the Mayor

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Strategic Property Acquisition	<p>Section 48(1)(a)</p> <p>The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7</p>	<p>The withholding of the information is necessary:</p> <ul style="list-style-type: none"> Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

The meeting went into public excluded session at 2.01pm and resumed in public session at 5.20pm.

9. Re-admittance of the Public

Resolved COM/2017/008

That the Subcommittee

Re-admits the public to the meeting.

Courtney/Barker

Carried

There being no further business the meeting ended at 5.20pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date