

THE WEST COAST REGIONAL COUNCIL

**MINUTES OF THE MEETING OF THE COUNCIL HELD ON 12 FEBRUARY 2013,
AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD,
GREYMOUTH, COMMENCING AT 11.35am.**

PRESENT:

R. Scarlett, (Chairman), B. Chinn, A. Robb, T. Archer, D. Davidson, A. Birchfield, I Cummings

IN ATTENDANCE:

C. Ingle (Chief Executive Officer), R. Mallinson (Corporate Services Manager), J. Adams (Consents & Compliance Manager), M. Meehan (Planning & Environmental Manager), A. Mahuika (Minutes Clerk).

1. APOLOGIES:

There were no apologies.

2. PUBLIC FORUM

There was no public forum.

3. CONFIRMATION OF MINUTES

Moved (Birchfield/Davidson) *that the minutes of the Council Meeting dated 11 December 2012, be confirmed as correct.*

Carried

Matters arising

There were no matters arising.

REPORTS:

4.1 ENGINEERING OPERATIONS REPORT

M. Meehan spoke to this report and advised that given the severity of the flooding on the 1-2 January rainfall event, the damage to Council assets were minimal.

Moved (Robb/Archer) *that this report be received.*

Carried

4.2 CORPORATE SERVICES MANAGER'S REPORT

R. Mallinson spoke to this report and advised that the investment portfolio did well for the six month period and informed that the Warm West Coast Scheme approved nearly 40 loans to property owners.

Councillors were concerned about the layout of the investment portfolio report. R. Mallinson explained the investment portfolio report to Councillors. Cr Archer inquired whether the Council had received a report from Westpac because they indicated that the report would be in a different format. R. Mallinson is to follow up with Westpac. Cr. Archer said the report was very positive. C. Ingle asked

whether the Councillors preference was for Westpac to supply a report 6 monthly or quarterly. It was decided that a quarterly report was preferred.

Moved (Davidson/Birchfield) *that this report be received.*

Carried

5.0 CHIEF EXECUTIVE'S REPORT

C. Ingle spoke about the Productivity Commission's latest report on local regulation. He said it was a very good report and he attached the findings because he thought they would be useful. The Productivity Commission has done a good job in gauging the feel of the local government sector in a regulatory sense and got to the bottom of what causes the problems that occur.

In terms of transferring costs to councils he said the for last 20 years NIWA has done national reporting and had a government contract. Now we have been told they are pulling out and now government just assumes that regional councils will fill the gap and fund it with rates money. It is astounding that government would assume that and haven't even talked to councils about it. Cr Davidson asked whether Council would have the staff and facilities to do the work. C. Ingle replied that Council would, but the cost would affect our Council more than other regions. Cr Davidson questioned whether Council is paying NIWA for the information we currently get from them. M. Meehan said Council has a reciprocal agreement where council shares our information with them and in return NIWA shares with the Council.

C. Ingle highlighted a few findings of the Commission's report and read out F5.1.and F7.8. He advised that the Chairman and himself will be helping LGNZ to make further submissions to assist to make sure their final report is even better. Cr Scarlett said it was quite rare to get an organisation that looks into government and actually captures precisely the issues are, as they have done. Cr Archer thinks these findings will be able to used in the future to support our point of view for submissions that Council makes. This is a very helpful document for Council.

Moved (Archer/Cummings) *that this report be received.*

Carried

6.0 CHAIRMANS REPORT (VERBAL)

Cr Scarlett reported that he has attended to constituency matters over the last 2 months.

7.0 DELEGATION FOR PROSECUTION DECISIONS

Cr Scarlett bought a report to Council regarding a change to prosecution decisions.

Cr Archer said we have a very efficient and competent staff that make factual recommendations as to the findings and they have a high level of technical competence. It is unfortunate sometimes that some of the views held are based on emotive grounds rather than technical grounds. It concerns him that we hear regularly, remarks such as "Council making criminals out of people" and these types of comments. His very strong held view is that he supports the report and the recommendation and he said he wants to remind the Councillors that when they took office they made a statutory declaration that they would uphold the law. He supports the recommendation.

Cr Birchfield said he opposes the recommendation. He said when you stand for election, the voters expect that you will be involved in running the Council. If you said when you stood for election that you are not going to make any decision and leave it all for the staff you probably wouldn't get elected. We are elected and paid to run the Council and we should do it. We should be prepared to front up with the courage to make the decisions. He will be voting against the recommendation.

Cr Chinn said his job of a Councillor is like a director of a company. Directors of companies employ their CEO and they participate in running the company. He will be voting against the recommendation.

Cr Robb said his view hasn't changed from last time. Councillors are policy makers, not policy enforcers. He also believes there is a conflict of interest. He believes Council's policies are robust enough and strong enough. He will be supporting the recommendation.

Cr Davidson said he agreed with Cr Birchfield, in terms of the criminal offences for these types of RMA breaches being a bit too harsh. But because of the perception of conflict of interest now being put on the Council, he now supports the recommendation.

Cr Cummings said he was surprised Cr Archer doesn't think it a much of a deal people getting criminalized and all rest of it. He doesn't take that lightly at all. If you get on the wrong side of the Council you will find there is a lot of things out there that they can do to you. He is not involved in taking people into that situation even though others don't seem to mind it.

There are lot of issues that really need addressing in the Council as far as consents and consultation. When you apply for a consent, nobody comes and says what about this, what about that, or have you got any problems. They just give you the consent and that is that, they will put their own regulations in it and they gradually cut you down so you just about can't operate. He thinks there needs to be a workshop on something like that to give the resource users some say. He will be voting against the motion.

Moved (Scarlett/Archer)

Cr Scarlett put motion to the vote by show of hands: 4 voted for the motion. 3 voted against

Carried

Cr Scarlett said it had been a good debate and he understood what people were saying. He commented on what Cr Chinn was saying regarding being a company director. As a director your job is to direct, not to get into it gumboots deep and direct staff, that up to the CEO. Your job as a director is to make policy and then see that it is carried out.

He doesn't agree with Cr Birchfield regarding decisions about prosecutions are a matter for the Councillors. Staff are the people that go on site and look and make an assessment around compliance. If you rely on your staff and have faith in your staff, then you assume the recommendations. I have not gone out and seen the site, so I am highly reliant on what the staff say, so if the staff say in their view given all the evidence that there ought to be a prosecution, then it is not up to him to say there shouldn't be. If he reads evidence and it is pretty reasonable and is not unjust or unfair then he comes to the same conclusion. By delegating the decision to staff It takes away the public perception of bias, whether the Councillors are dairy farmers or miners, or any other particular job they have.

Cr Birchfield said it was not over yet as there is a new Council in at the end of the year and this will probably come back to the new Council. Cr Scarlett said they may visit this again, that is democracy, that is entirely up to them.

7.0 GENERAL BUSINESS

There was no general business.

The meeting closed at 11.56am

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Chairman

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Date