

**MINUTES OF
CONFIDENTIAL ITEM**

**8.15pm Code of Conduct
Report Reference: GC180814F04**

Moved Councillor Hutchinson, Seconded Councillor Pfeiffer that:

1. Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following, Adrian Skull, Chief Executive Officer, Kate McKenzie, Manager Corporate Governance and Jaimie Thwaites, Unit Manager Governance and Records, be excluded from the meeting where the Council will receive and consider information pertaining to the item Code of Conduct upon the basis it is satisfied that the requirements for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration other matter confidential on the ground that the report contains information relating to personal affairs.

Carried Unanimously

8.15pm the meeting went into confidence

Councillor Hull gave a personal explanation in relation to the item *claiming*:

- He was sorry for not attending last meeting due to being caught at work
- He raised concern about the lack of an adequate Coms Strategy at the meeting that passed the resolution to seek EOI.
- He received a call at about 3.15pm from the Messenger saying the embargo had been lifted. Said he would need to check before commenting
- He called [REDACTED] at about 3.30pm and advised him of a journalist advising me that she had been formally advised of the Hotel proposal and that he needed guidance as to what he could say. [REDACTED] advised that he would circulate the media release and some talking points for Councillors. [REDACTED] advised him that all stakeholders had been notified.
- He advised [REDACTED] that given all stakeholders were aware, he would call [REDACTED] before she called him. [REDACTED] raised no concern about this. [REDACTED] issued the media release and talking points by email at about 3.45pm
- Believing that [REDACTED] had been advised, at around 3.45pm he called her to talk about the hotel proposal in as far as that the Cultural Centre, in its current form, could be demolished and a hotel built.
- It was when he called [REDACTED] he found out (to his horror) that she had not been advised at all. No scaremongering or misleading information was provided to [REDACTED], any suggestion that he did is a slur.
- In the media comments provided by [REDACTED] since the announcement there is no evidence of incorrect advice being provided to her at all.
- He then called the [REDACTED] to raise the issue of the poor communication strategy. This is how the [REDACTED] became aware of this matter.
- At the following Council Meeting, when asking a question about the comments of the Mayor on the radio about the proposed height of the hotel the Mayor declined to answer his questions and informed the public meeting that he was the subject of a Code of Conduct. (Noting that revealing at a public meeting that he was the subject of a Code of Conduct complaint is a breach of confidentiality and an issue in its own right.)

- He could have taken a 'tit for tat' approach and also lodged codes of conduct himself but instead showed a civil and adult approach.
- Before discussing the matter with a journalist he took the responsible action of calling [REDACTED] first and believes he was acting in good faith, albeit that he was given incorrect information.

Councillor Hull declared a conflict of interest in the item as it related to him and left the meeting

8.22pm Councillor Hull left the meeting

Moved Councillor Byram, Seconded Councillor Kerry that Council:

1. Appoint an independent investigator to complete the investigation and commence interviews with relevant parties as soon as possible.
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report *Code of Conduct*, the minutes arising from this report and any attachments to the report, having been considered in confidence under Section 90(2) and (3)(a) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2018.

Carried

Councillor Kerry called for a division

Vote was set aside

Those For: Councillors Kerry, Telfer, Byram, Gard and Crossland

Those Against: Councillors Hutchinson, Veliskou and Appleby

Carried

8.43pm the meeting came out of confidence