

Questions without Notice

Nil

Motions without Notice

Nil

CONFIDENTIAL ITEMS

7.23pm Subject: Code of Conduct Complaint Ref No: GC140217F01

Moved Councillor Westwood, 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; Abby Dickson, General Manager City Development; Jaimie Thwaites, Acting Manager Corporate Governance; Robert Tokely, Team Leader - Planning], be excluded from the meeting as the Council considers that the requirement for the meeting to be conducted in a place open to the public has been outweighed in circumstances where the Council will receive and consider information pertaining to Code of Conduct for Council Members issues.

Carried Unanimously

7.25pm the meeting went into confidence.

Councillors Hutchinson and Kerry sought and were granted leave of the meeting to give individual personal explanations regarding the item.

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

- Take the report as read.
- Councillor Kerry sought retribution against him for reasons originally unknown but later assumed to be in response to his previous public censure.
- Councillor Kerry belittles his contribution to DAP.
- Was approached by Councillor Kerry in the car park after the meeting on 21 December stating "You will be getting a letter from my lawyer" which was interpreted as threatening behaviour.
- Believes Councillor Kerry's behaviour is unprofessional, bullying and undermines the public value and integrity of the DAP.
- Contends that he has been very inclusive of all Councillors (including Councillor Kerry) on different matters.

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

- He received a phone call from the Mayor last night and thought the issue was going to be resolved. He was willing to be conciliatory.
- The issue originates back to Councillor Hutchinson putting Councillors Westwood and Kerry in a difficult position regard a telecommunications tower application going to DAP.

- He has raised the telecommunications tower issue with the Ombudsman.
- Councillor Hutchinson has waged a vindictive campaign against him (asking questions about alias's and use of Elected Member room technology).
- Does not have an interest or business relationship with any developers.
- The Chief Executive Officer has better things to do than looking into frivolous and vexatious matters
- Energy should be spent on solar panels and other energy generation technology not Elected Member Codes of Conduct
- Councillor Hutchinson's allegations against him are untrue and trivial

Councillors Hutchinson and Kerry declared a conflict of interest in matter on the basis that the report related to Code of Conduct complaints made about their behaviour and they left the meeting.

7.44pm Councillors Hutchinson and Kerry left the meeting

Moved Councillor Pfeiffer, Seconded Councillor Veliskou that the meeting procedures be suspended.

Carried Unanimously

8.36pm formal meeting procedures suspended.

8.49pm formal meeting procedures resumed.

Moved Councillor Crossland, Seconded Councillor Prior that:

1. Both Elected Members be recommended to attend independent mediation (separately and together) in an attempt to reconcile their differences. Costs associated with the mediation will be paid by Council.
2. A summary of the mediation outcome is referred back to Council for further consideration.
3. Council determines that Councillor Kerry has breached the following Section of the Code of Conduct for Council members:

2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.

Amendment:

Moved Councillor Westwood, Seconded Councillor Gard that:

1. Both Elected Members be recommended to attend independent mediation (separately and together) in an attempt to reconcile their differences. Costs associated with the mediation will be paid by Council.
2. A summary of the mediation outcome is referred back to Council for further consideration.
3. Council determines that Councillor Kerry and Councillor Hutchinson have breached the following Section of the Code of Conduct for Council members:

2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.

The amendment was **Lost**
The Original motion was **Tied**
The Mayor gave his casting vote and voted for of the motion
Carried

Letter Tabled

At the request of Councillor Kerry, the Chief Executive Officer tabled Councillor Kerry's written resignation (received on 14 February 2017) from the Development Assessment Panel. A copy of the letter is attached as appendix 1 to these minutes (confidential).

Moved Councillor Crossland, Seconded Councillor Prior that:

1. Council accepted Councillor Kerry's resignation from the Development Assessment Panel and takes no further action (other than mediation) in relation to the breach
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that appendix 1 to the minutes arising from the report "Code of Conduct Complaint" having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential and not available for public inspection for the current term of the Council. This confidentiality order will be reviewed as required by the Act with the first such review to occur at the General Council Meeting in December 2017.

Carried

9.10pm the meeting came out of confidence

9.11pm Councillors Hutchinson and Kerry re-entered the meeting

OTHER BUSINESS

Mr Adrian Skull gave a verbal update regarding the Development Assessment Panel – Vacancy for independent members

CLOSURE - Meeting Declared Closed at 9.13pm.

CONFIRMED THIS 28 FEBRUARY 2017

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CHAIRPERSON

Appendix 1 – Correspondence (confidential)