

Whangarei District Council Meeting Minutes

Date: Tuesday, 24 July, 2018
Time: 9:00 a.m.
Location: Council Chamber
Forum North, Rust Avenue
Whangarei

In Attendance

Her Worship the Mayor Sheryl Mai
(Chairperson)
Cr Stu Bell
Cr Gavin Benney
Cr Crichton Christie
Cr Vince Cocurullo
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Sue Glen
Cr Phil Halse
Cr Cherry Hermon
Cr Greg Innes
Cr Greg Martin
Cr Sharon Morgan
Cr Anna Murphy

Also present:

Complainant

Wayne Deeming
Warren Slater (McKenzie friend)

Respondent

Councillor Shelley Deeming
David Grindle (Legal representative)
Murray Dunn (McKenzie friend)

Council Solicitor

Graeme Mathias (Thomson Wilson)

Scribe

C Brindle (Senior Democracy Adviser)

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1. Karakia/Prayer
 2. Declarations of Interest

3. Apologies

There were no apologies for absence however it was requested that it be recorded that because of her direct involvement, Cr Shelley Deeming will have no involvement in the decision making on the complaint against her.

4. Decision Reports

4.1 Hearing - Code of Conduct Complaint

By way of introduction Her Worship advised:

- the hearing will follow the procedure is as outlined in the agenda report.
- the matter is being dealt with in terms of the 2007 Elected Members Code of Conduct as that was the Code of Conduct which applied at the date of the complaint.
- for a breach to be upheld two thirds (2/3) of the elected members need to vote in support of that conclusion.

Presentations

Mr Wayne Deeming tabled and spoke to his written submission.

Mr David Grindle, representing Cr Shelley Deeming, tabled and spoke to Cr Deeming's written submission. Cr Deeming responded to questions raised through the Chair.

At the end of each presentation the Elected Members asked questions of clarification.

The meeting adjourned from 9.20am to 9.30am part way through Mr Deeming's submission.

At the conclusion of the presentations the meeting adjourned from 10.42am to 11.00am.

Cr Cocurullo was absent from the meeting immediately following the tea break. Cr Cocurullo re-joined the meeting at 11.10am.

Deliberations

The following motion was taken in parts. Council debated and voted on each resolution separately.

Moved By Her Worship the Mayor

Seconded By Cr Sharon Morgan

That Council:

1. Finds Councillor Shelley Deeming has breached the 2007 Elected Members Code of Conduct in that she released a complaint that

Mr Wayne Deeming sent to the Mayor in respect of an incident at the Mid Western Rugby and Squash Club on the 8th of August 2009 as is alleged.

On the motion being put Her Worship the Mayor called for a division:

Recorded	For	Against	Abstain
Her Worship the Mayor	X		
Cr Stu Bell	X		
Cr Gavin Benney	X		
Cr Crichton Christie	X		
Cr Vince Cocurullo			X
Cr Tricia Cutforth	X		
Cr Sue Glen	X		
Cr Phil Halse	X		
Cr Cherry Hermon	X		
Cr Greg Innes	X		
Cr Greg Martin	X		
Cr Sharon Morgan	X		
Cr Anna Murphy	X		
Results	12		1

Upheld
The motion was Carried

2. Finds Councillor Shelley Deeming has breached the 2007 Elected Members Code of Conduct in that she provided false information in claiming there had been an investigation when there had not as is alleged.

On the motion being put Her Worship the Mayor called for a division:

Recorded	For	Against	Abstain
Her Worship the Mayor		X	
Cr Stu Bell	X		
Cr Gavin Benney		X	

Cr Crichton Christie		X
Cr Vince Cocurullo		X
Cr Tricia Cutforth		X
Cr Sue Glen		X
Cr Phil Halse		X
Cr Cherry Hermon		X
Cr Greg Innes		X
Cr Greg Martin		X
Cr Sharon Morgan		X
Cr Anna Murphy		X
Results	1	12

Not Upheld
The motion was Lost

3. Finds Councillor Shelley Deeming has breached the 2007 Elected Members Code of Conduct in that she continued to liaise with and advise the licensee who was the subject of the complaint while she was a member of the District Licensing Agency as is alleged.

Procedural motion

Moved By Cr Greg Martin
Seconded By Cr Phil Halse

That the motion now be put.

Procedural motion Carried

Prior to the motion being put Cr Deeming advised she did not require a right of reply on matters arising from the Council deliberations.

On the motion being put Her Worship the Mayor called for a division:

Recorded	For	Against	Abstain
Her Worship the Mayor		X	
Cr Stu Bell	X		
Cr Gavin Benney		X	

Cr Crichton Christie		X	
Cr Vince Cocurullo			X
Cr Tricia Cutforth		X	
Cr Sue Glen		X	
Cr Phil Halse		X	
Cr Cherry Hermon		X	
Cr Greg Innes			X
Cr Greg Martin		X	
Cr Sharon Morgan		X	
Cr Anna Murphy			X
Results	1	9	3

Not Upheld
The motion was Lost

The meeting adjourned from 12.29pm to 12.45pm. Cr Cocurullo re-joined the meeting at 12.57pm.

Penalty

Having determined Councillor Deeming has breached the 2007 Elected Members Code of Conduct, council proceeded to decide on a penalty, if any.

Mr Grindle requested and was granted leave to make a submission on sanctions. Mr Grindle proceeded with his submission on behalf of Cr Deeming.

Moved By Her Worship the Mayor

Seconded By Cr Halse

That the complaint is upheld but no penalty imposed.

On the motion being put Her Worship the Mayor called for a division:

Recorded	For	Against	Abstain
Her Worship the Mayor	X		
Cr Stu Bell		X	
Cr Gavin Benney	X		
Cr Crichton Christie	X		

Cr Vince Cocurullo	X	
Cr Tricia Cutforth		X
Cr Sue Glen	X	
Cr Phil Halse	X	
Cr Cherry Hermon		X
Cr Greg Innes	X	
Cr Greg Martin	X	
Cr Sharon Morgan	X	
Cr Anna Murphy		X
Results	9	4

The motion was Carried

5. Closure of Meeting

The meeting concluded 1.26pm

Confirmed this 30th day of August 2018

Her Worship the Mayor Sheryl Mai (Chairperson)