
Activities Performance Audit Committee OPEN MINUTES

Minutes of a meeting of Activities Performance Audit Committee held in the Council Chambers, 15 Forth Street, Invercargill on Wednesday, 28 October 2015 at 10.30am.

PRESENT

Chairperson	Lyall Bailey Mayor Gary Tong
Councillors	Stuart Baird Brian Dillon Rodney Dobson John Douglas Paul Duffy Bruce Ford George Harpur Julie Keast Ebel Kremer Gavin Macpherson Neil Paterson

IN ATTENDANCE

Chief Executive Steve Ruru, Group Manager Services and Assets Ian Marshall, Group Manager Policy and Community Rex Capil, Group Manager Environment and Community, Bruce Halligan, Chief Financial Officer Anne Robson, Chief Information Officer Damon Campbell, Management Accountant Susan McNamara, Manager Communications and Governance Louise Pagan and Committee Advisor Alyson Hamilton.

1 Apologies

There were no apologies received.

2 Leave of absence

There were no requests for leave of absence.

3 Conflict of Interest

Item C9.3 – “Wastewater Scheme Upgrade at Curio Bay;” Councillor Duffy declared an interest relating to this item.

4 Public Forum

Moved Cr Keast, seconded Cr Douglas and **resolved:**

That the Activities Performance Audit Committee go into Public Forum to allow members of the public to speak.

4.1 David Clapp

Mr Clapp was in attendance and addressed the Committee in support of his objection at being declared a Probationary Dog Owner.

Mr Clapp felt the two infringement notices he has received recently in regard to his dog being out of control and disobedient are unjustified and proceeded to give an explanation on each situation.

Mr Clapp advised that he has paid the two infringement notices relating to these incidents as he felt that in not disputing this issue it was the easiest solution without ending in court having to pay a hefty fine.

Mr Clapp advised the effects of being classified as a Probationary Dog Owner is unfair as he is experienced in training many working dogs and felt having to attend a dog obedience course being a waste of time and expense to himself.

A question answer forum took place with Mr Clapp responding to Members queries.

The Chair expressed appreciation to Mr Clapp for this presentation to the Committee advising that this item will be discussed in the formal section of the meeting.

Moved Cr Paterson, seconded Cr Dobson and **resolved:**

That the Activities Performance Audit Committee moves out of Public Forum and returns to the formal meeting.

5 Extraordinary/Urgent Items

There were no Extraordinary/Urgent items.

6 Confirmation of Minutes

Resolution

Moved Cr Keast, seconded Cr Harpur **and resolved:**

That the minutes of Activities Performance Audit Committee meeting held on 16 September 2015 be confirmed.

7 Reports

7.1 Objection to Probationary Dog Owner Classification

Record No: R/15/10/18041

Manager Environmental Health Michael Sarfaiti, Animal Control Officer, Ranger Manager Julie Gillan, Customer Service Officer Animal Control, Environmental Health Tracy van Veldhuisen and Animal Control Ranger Jill Munro, were in attendance for this item.

Report by Mr Michael Sarfaiti (Environmental health Manager) requesting the Committee to consider and determine the objection to a probationary dog owner classification, lodged by Mr David Mervyn Clapp, was tabled.

Mr Sarfaiti advised Mr Clapp was classified as a probationary dog owner because of his repeat offending under the Dog Control Act.

The Committee was advised that Mr Clapp is entitled to appear before this Committee and speak in support of his objection.

Mr Sarfaiti explained the Dog Control Act prescribes the matters that the Committee is required to have in regard to considering Mr Clapp's objection. He added the recommendation of staff is to uphold the classification.

In his report Mr Sarfaiti summarised the definition of a probationary dog owner.

Members queried the effects of becoming a Probationary Owner.

Mrs Gillan responded that Mr Clapp has received three or more infringements within a continuous period of 24 months and Mr Clapp's classification is to apply from 11 September 2015 to 10 September 2017 unless terminated earlier by the Southland District Council.

Mrs Gillan explained during this period Mr Clapp may not become the registered owner of any further dogs and that he is to undertake, at his expense, a dog owner education programme or a dog obedience course approved by the Southland District Council.

The meeting was informed that whilst Mr Clapp is considered a good dog owner in the rural area Mrs Gillan felt the probationary period will educate Mr Clapp that the rules of controlling dogs within an urban area differ from the rural area.

In his objection to the classification as a probationary dog owner Mr Clapp stated he does not agree that his dog "Sid" was either out of control or being disobedient in the latest two infringement notices he received.

Mr Clapp added he used to manage a farm where he had 3 packs of 5 dogs and is a fully experienced dog handler.

In considering the objection lodged the Committee took into consideration the presentation made by Mr Clapp in the Public Forum section of the meeting together with his written submission.

Mr Sarfaiti advised that Council's Policy on Dogs 2015 has application to this objection. Extracts include:

"The intention of this policy is to strike the proper balance between the need to control dogs and the recognition of the overall benefits of responsible dog ownership."

"The Council's objective is to encourage responsible dog ownership that allows dog owners to enjoy their dogs without impinging on the enjoyment and safety of others."

"The Council will use the full range of enforcement options available to it under the Dog Control Act 1996 and other legislation to ensure that dog ownership in the District is undertaken in accordance with this policy."

Mr Sarfaiti added the recommendation to classify Mr Clapp as a probationary dog owner is consistent with this policy.

Resolution

Moved Cr Dobson, seconded Mayor Tong **and resolved:**

That the Activities Performance Audit Committee:

- a) **Receives the report titled "Objection to probationary Dog Owner Classification" dated 19 October 2015.**
- b) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- c) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- d) **Upholds the decision to classify Mr David Mervyn Clapp as a probationary dog owner, and gives notice of this decision and reasons for it to Mr Clapp.**

7.2 Financial Report for the period ended 31 August 2015

Record No: R/15/10/18060

Management Accountant Finance Susan McNamara was in attendance for this item.

Financial Report for the period ended 31 August 2015, prepared by Ms Susan McNamara (Management Accountant), was tabled.

Ms McNamara informed the report outlined the financial results to 31 August 2015.

It was pointed out to the Committee 16.7% of the financial year is complete and that no issues have been identified that raise concerns for Council.

Ms McNamara advised the format of this report is being redefined over the coming months with additional features being added to enhance the financial information given.

Ms McNamara reported the operating income, due to seasonality of the capital works programme Roothing and Transport income is under budget by \$880K. She advised the budget for capital funding from NZTA is currently phased evenly over the twelve months. Roothing capital expenditure is expected to be under budget at year end due to reseal contract prices being under budget and a falling bitumen index and a reduced drainage programme.

Ms McNamara then spoke on matters relating to the operating expenditure, capital expenditure, balance sheet and strategic transport.

The Chair, Councillor Bailey commented on the format of the report stating it is easy to understand and the layout is good.

In regard to the capital expenditure Councillor Kremer noted the budget for the year is \$4.8 million and queried if staff are confident this budget will not be exceeded.

Mr Ruru responded a report will be presented to Council in due course regarding this matter.

Councillor Kremer commented on the Strategic Transport capital expenditure being under budget noting the comment from staff that this is primarily due to timing with Council staff in the planning stage for this year's programme, and queried when is the programme expected to commence.

Mr Marshall advised work is to commence in the 2016/2017 year.

The Chair queried if staff has received a response from the Environment Court indicating a time for the proposed hearing regarding the Cycle Trail and an enquiry was made for an indication of costings involved.

Mr Marshall confirmed the Environment Court has advised that the appeal lodged by Southland Fish and Game will not be heard until February/March next year. He added costings cannot be confirmed at this stage, but could be estimated up to a million dollars.

Mr Marshall advised that by the time a decision has been released construction of the final stages of the Cycle Trail will not be able to be completed until next spring/summer at the earliest.

He added that staff will be communicating the impacts of this delay to central Government so that they are aware of the delays.

Councillor Duffy queried the progress on the Southern Scenic Route. The Committee was advised staff has prepared a business case which has been forwarded to New Zealand Transport Agency (NZTA) and a response is awaited. A report is to be presented to the Committee in due course.

Resolution

Moved Cr Macpherson, seconded Cr Dillon **and resolved:**

That the Activities Performance Audit Committee:

- a) **Receives the report titled “Financial report for the period ended 31 August 2015” dated 19 October 2015.**

7.3 Service Delivery Review- Roothing

Record No: R/15/10/18217

Roothing Engineer Roothing/Transport Department Hartley Hare was in attendance for this item.

Report by Mr Ian Marshall, Group Manager, Services and Assets, on the Service Delivery Review-Roothing, was tabled.

Mr Marshall reported the purpose of the report is to inform the Council of the findings of a service delivery review of the Council’s roosting services and to seek the Council’s decision in relation to future delivery of those services.

Mr Marshall advised in so doing the Council will fulfil its requirements under section 17A of the Local Government Act 2002. He added this report outlines the requirements of the Local Government Act to carry out a delivery of service review.

The Committee was advised a review of the Council’s Roothing services was carried out by independent consultants Morrison Low and their findings were presented with the report.

Mr Marshall informed the Morrison Low report review findings recommend little change to the methods of service delivery or to the actual levels of service undertaken by Council.

The Committee’s attention was drawn to the conclusion summary that included a comment stating that Council’s actual service delivery performance is of a high standard and providing very good value for money.

The Committee queried Fonterra truck drivers undertaking data recovery on road conditions around the Southland District and whether this is to be ongoing.

Mr Hare responded by advising data received from the drivers is stored and that this service provided by the drivers is ongoing.

Members commented that the service provided by Fonterra drivers saved staff having to travel and inspect all roads within the Southland District.

Mr Marshall recommended that taking into consideration the findings from Morrison Low that Council continues to use its current service delivery framework of in-house client/owner and representational functions and outsourced specialist engineering advice and physical works services.

Resolution

Moved Mayor Tong, seconded Cr Douglas **and resolved:**

That the Activities Performance Audit Committee:

- a) **Receives the report titled “Service Delivery Review- Roothing” dated 20 October 2015.**
- b) **Receives the report titled “Service Delivery Review- Roothing” dated 20 October 2015.**
- c) **Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.**
- d) **Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.**
- e) **Recommends to Council that it continues to independently govern its roading services delivery as at present.**
- f) **Recommends to Council that it considers initiating within the Otago/Southland Regions a review of options for future sustainability of roading services delivery in the light of continually constraining budgets and aging or increasingly loaded roading networks.**
- g) **Recommends to Council that it continues to use its current service delivery framework of in-house client/owner and representational functions and outsourced specialist engineering advice and physical works services.**

Public Excluded

Exclusion of the Public: Local Government Official Information and Meetings Act 1987

Resolution

Moved Cr Ford, seconded Cr Dillon **and resolved:**

That the public be excluded from the following part(s) of the proceedings of this meeting.

C9.1 Risk Reports

C9.2 Code Compliance Certificate Status of Building Consents approved by the Southland District Council

C9.3 Wastewater Scheme Upgrade at Curio Bay

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:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Risk Reports	<p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege.</p> <p>s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p>	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.
Code Compliance Certificate Status of Building Consents approved by the Southland District Council	<p>s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege.</p> <p>s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.
Wastewater Scheme Upgrade at Curio Bay	s7(2)(h) - The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities...	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.

That the Chief Executive Steve Ruru, Group Manager Services and Assets Ian Marshall, Group Manager Policy and Community Rex Capil, Group Manager Environment and Community, Bruce Halligan, Chief Financial Officer Anne Robson, Chief Information Officer Damon Campbell, Management Accountant Susan McNamara, Manager Communications and Governance Louise Pagan, Manager Building Control, Kevin O'Connor, Projects Accountant Dean Williamson and Committee Advisor Alyson Hamilton be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of the

items; *C9.1 Risk Reports, C9.2 Code Compliance Certificate Status of Building Consents approved by the Southland District Council, C9.3 Wastewater Scheme Upgrade at Curio Bay*
This knowledge, which will be of assistance in relation to the matters to be discussed, is relevant to those matters because of their knowledge on the issues discussed and meeting procedure.

The public were excluded at 11.45am.

The meeting adjourned at 12.40pm and reconvened at 2.20pm.

The meeting returned to open meeting at 2.45pm.

The Meeting concluded at 2.45pm.

CONFIRMED AS A TRUE AND CORRECT
RECORD AT A MEETING OF THE ACTIVITIES
PERFORMANCE AUDIT COMMITTEE HELD
ON 28 OCTOBER 2015.

DATE:.....

CHAIRPERSON:.....