

18. PROPOSED MARINA AT LYTTTELTON

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	
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PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council resolve to alter the resolution made after the 2007 local elections to re-establish the Lyttelton Marina Working Party ("Working Party") as a subcommittee and re-instate the Working Party as a working party of the Council;

EXECUTIVE SUMMARY

2. At its meeting on 10 May 2007, the Council appointed a Working Party for the purpose of progressing the matter of a marina and related projects at Lyttelton.
3. On 13 December 2007, instead of re-establishing the Working Party as a working party the Council appointed it as a subcommittee. The Democracy Services Unit has acknowledged that this was a mistake.
4. The Council's resolution of 13 December 2007 should be altered accordingly and the Working Party re-instated as a working party, not a subcommittee.

FINANCIAL IMPLICATIONS

5. A decision to alter the 13 December 2007 resolution and re-instate the Working Party as a working party would not be a cost to the Council.

LEGAL CONSIDERATIONS

6. The procedure for revoking or altering a previous resolution is contained in Clause 3.9.18 of the current Standing Orders, dated July 2008. The Clause states:

"A local authority meeting may, on a recommendation contained in a report by the Chairperson or Chief Executive, or the report of any committee, revoke or alter all or part of resolutions previously passed at meetings. At least two clear working days notice of any meeting to consider such a proposal must be given to members, accompanied by details of the proposal to be considered."

7. The Chief Executive, Tony Marryatt, has approved this report.
8. The Terms of Reference for the Working Party remain the same.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. Not applicable.

CONSULTATION FULFILMENT

10. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Council resolve to:

- (a) Alter its resolution of 13 December 2007 by removing the words "Lyttelton Marina Subcommittee" and replacing them with "Lyttelton Marina Working Party" in Attachment A to the staff report considered at the meetings held on that date.
- (b) Authorise the Council Secretary to amend the Council's records accordingly.

BACKGROUND

11. At its meeting on 10 May 2007, the Council resolved to appoint three Councillors and a Community Board member to a working party for the purpose of taking appropriate steps to progress the matter of a marina and related projects at Lyttelton. The Working Party was not intended to be a subcommittee of the Council.
12. In a staff report to the Council meeting of 13 December 2007, the Lyttelton Marina Working Party was described as "Lyttelton Marina Subcommittee". It has been acknowledged that this was an error.
13. The Working Party was never intended to be a subcommittee or any other subordinate decision-making body of the Council. It is an internal group established to progress the matter of a marina and related projects at Lyttelton and to report back to the Council. It is therefore appropriate that the error in describing the Working Party as a sub-committee is corrected.

OPTIONS

14. The recommendation is that the 13 December 2007 resolution be altered and the Lyttelton Marina Working Party be re-instated as a working party. Authority to do that is contained in Clause 3.9.18 of the Council's Standing Orders. In accordance with that Clause, a report by the Chief Executive is required.
15. If the recommendation is not accepted by the Council, the alternative is that, as a subcommittee, the Lyttelton Marina Working Party is subject to the meeting provisions contained in the Local Government Official Information and Meetings Act 1987. These include notifying the public of meetings of the Working Party, making agendas and reports publicly available and holding meetings of the Working Party in public. The intention of establishing the Working Party was to progress the matter of a marina and related projects at Lyttelton to a point where a report on these matters could be presented to the Council and a decision made on future steps to be taken.
16. Already, there have been issues with regard to disclosure of information and a complaint is currently before the Ombudsman's office. As the Working Party lacks any decision-making ability, it makes sense that it remains as a working party and that any decisions to be made are made by the Council in accordance with its usual obligations.

PREFERRED OPTION

17. The option preferred by staff is:
 - (a) to alter the 13 December 2007 resolution so that the Lyttelton Marina Working Party is re-instated as a working party.