

SPREYDON/HEATHCOTE COMMUNITY BOARD AGENDA

TUESDAY 15 APRIL 2008

AT 4.30PM

**IN THE BOARDROOM
AT SOUTH LIBRARY, SERVICE CENTRE AND SOUTH LEARNING CENTRE
66 COLOMBO STREET**

Community Board: Phil Clearwater (Chairperson), Oscar Alpers, Barry Corbett, Chris Mene, Karolin Potter, Tim Scandrett and Sue Wells

Community Board Adviser

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- PART A - MATTERS REQUIRING A COUNCIL DECISION**
- PART B - REPORTS FOR INFORMATION**
- PART C - DELEGATED DECISIONS**

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1. **APOLOGIES**

2. **CONFIRMATION OF MEETING REPORT – 4 APRIL 2008**

The report of the Board's meeting of Friday 4 April 2008 is **attached**.

CHAIRPERSONS' RECOMMENDATION

That the report of the Board's meeting of 4 April 2008 be **confirmed**.

3. **DEPUTATIONS BY APPOINTMENT**

3.1 Valarie Cowan, resident of Gamblins Street

4. **PRESENTATION OF PETITIONS**

5. **NOTICES OF MOTION**

6. **CORRESPONDENCE**

7. **BRIEFINGS**

**SPREYDON/HEATHCOTE COMMUNITY BOARD
4 APRIL 2008**

**A meeting of the Spreydon/Heathcote Community Board
was held on Friday 4 April 2008 at 8.00 am
in the Boardroom, Beckenham Service Centre**

PRESENT: Phil Clearwater (Chairperson), Oscar Alpers, Barry Corbett, Chris Mene, Karolin Potter, Tim Scandrett and Sue Wells

The meeting adjourned at 8.40 am and reconvened at 9.00 am

APOLOGIES: An apology for early departure from the meeting was received and accepted from Sue Wells, Barry Corbett and Chris Mene who departed at 9.14 am and were absent for part of clause 8.

The Board reports that

PART B – REPORTS FOR INFORMATION

1. DEPUTATIONS BY APPOINTMENT

Nil.

2. PRESENTATION OF PETITIONS

Nil.

3. NOTICES OF MOTION

Nil.

4. CORRESPONDENCE

Nil.

5. BRIEFINGS

Nil.

6. COMMUNITY BOARD ADVISER'S UPDATE

The Board **received** updates from the Community Board Adviser on forthcoming Board related activity over the coming weeks, in particular the public consultation regarding the South Water Treatment Building.

7. BOARD MEMBERS' INFORMATION EXCHANGE

Mention was made of the following matters:

- Waltham Urban Fair was extremely successful and the school venue suited the Fair.
- Primary School Rugby league Tournament – Rowley Avenue School came second.

8. MEMBERS' QUESTIONS

The following questions with staff comment were tabled.

1. How many and what percentage of City housing tenants in the Spreydon/Heathcote Ward receive a Work and Income benefit, including National Superannuation, or are on the minimum wage, or close to it?

Staff comment:

We are unable to answer this question by Ward but 95% of all our tenants are on a benefit of some kind, superannuation 45%, invalids 30%, unemployment and sickness 20%. The other 5 % are those whose circumstances change after they have given us this information or do some form of paid work.

2. How many and what percentage of City housing tenants in the Spreydon/Heathcote Ward, are eligible to receive an accommodation allowance?

Staff comment:

We believe that if someone qualifies for our housing then they qualify for an accommodation allowance.

3. How many and what percentage in the Spreydon/Heathcote Ward (due to receiving an accommodation allowance) will only have to pay a 5.4% rent increase?

Staff comment:

We do not have Ward by Ward figures.

4. How many and what percentage of City Housing tenants in the Spreydon/Heathcote Ward who receive a benefit or national superannuation or are on the minimum wage or close to it, will not be eligible for an accommodation allowance?

Staff comment:

As stated we do not have Ward by Ward figures.

5. Of the latter, does the Christchurch City Council intend to have discretion and assist where there are cases of hardship and City housing tenants are unable to pay their increased rents?

Staff comment:

We said we will work with any tenant who has undue hardship and assist where possible.

Following a lengthy discussion around the City housing questions the Board **decided**:

To establish an informal working party composed of members Karolin Potter, Phil Clearwater and Chris Mene together with appropriate staff, which will look into the type of information which the Board may reasonably expect regarding City Housing, including, what can actually be extracted from Council data, the frequency of any reports which are generated, exactly what information the Board actually needs to be useful for its purposes, maintenance/refurbishment matters, and any other relevant matters.

PART C – DELEGATED DECISIONS TAKEN BY THE BOARD**9. CONFIRMATION OF MEETING REPORT – 7 MARCH 2008**

The Board **resolved** that the report of its ordinary meeting of 18 March 2008, be confirmed.

10. 2007/2008 PROJECT AND DISCRETIONARY FUNDING – SIX MONTH ACCOUNTABILITY REPORT

The Board considered a report providing a six month update on the balance of its 2007/08 project and discretionary funding allocations.

The Board **resolved**:

- (a) To seek further information from staff on the establishment of a web site/community forum as part of the communications initiative.

11. APPLICATION TO THE SPREYDON/HEATHCOTE COMMUNITY BOARD 2007/2008 YOUTH ACHIEVEMENT SCHEME

The Board considered a report from the Community Recreation and Sport Adviser seeking funding for Hannah Newbould, a 16 year old Cashmere High School student what has been selected as a member of the New Zealand Secondary Schools Cross Country Team to travel to the Czech Republic to compete in the ISF World Schools Cross Country Championships.

The Board **resolved** to make a grant of \$500 to Hannah Newbould to travel to the Czech Republic to compete in the ISF World Schools Cross Country Championships.

The meeting concluded at 9.37 am

CONFIRMED THIS 15 TH DAY OF APRIL 2008.

**PHIL CLEARWATER
CHAIRPERSON**

CHAIRPERSONS' RECOMMENDATION

Minutes not seen by Chair.

Clause 8

**Christchurch City Council
Regulation & Democracy Services**

Memorandum

Date: 20 March 2008

From: Peter Mitchell, General Manager, Regulations and Democracy Services Group

To: Spreydon / Heathcote Community Board

cc: Lisa Goodman
Jenny Hughey

**Submission to Remuneration Authority
Role of Council Appointees to the Community Board**

Introduction

This memorandum is to record advice that I have given to the Board Chair regarding an informal submission forwarded to the Remuneration Authority in the name of the Board in November 2007. A question had arisen as to why the two appointed members of the Community Board were not involved in the formulation of that submission.

This question gives rise to an important issue regarding when the appointed members of a Community Board are involved in a decision made by a Board, and situations when they should not be involved.

This memorandum records that in my view while appointed Board members are involved in Board decision making processes there can be situations where because the Board members are also Councillors, it can be inappropriate for them to be involved in a Board's decision because issues have already been considered so are about to be considered by the Council.

In my view there are two situations when it is not appropriate for appointed Board members to be involved in decisions a Board may make:

- a) Board submissions on electoral reviews initiated by the Council.
- b) Where the Council has reached a view on remuneration for all elected members and the Remuneration Authority is seeking the views of the Community Boards.

This is the first time that this issue of the involvement of appointed Board members has arisen in the context of the Council's remuneration process and I believe that it is important for me to record the reasons for my view that it is not appropriate for appointed members of the Board to be involved in the Board remuneration decisions.

Status of a Community Board

To provide context to this matter it is first necessary to consider the status of a Community Board and the role of the appointed Board members.

Clause 8 Cont'd

The Local Government Act provides that each Community Board is an unincorporated body of persons with a stated statutory role.

At law an unincorporated body of persons is generally considered not to be a legal entity like a company or the Council itself. However it is possible that such a body may, by statute, be treated as a legal entity for the purposes of that particular statute. In my opinion the Local Government Act 2002, and the Local Electoral Act 2001 provide that the Community Boards are to be treated as a legal entity for certain purposes under those two statutes. Those two situations are:

- (a) The Community Board can make representations on a Council's remuneration review to the Remuneration Authority. That is of relevance in the particular situation here regarding the remuneration review. This is also actively encouraged by the Remuneration Authority.
- (b) A Board can legally object to a Council's decision on an electoral review proposal and the Local Government Act provides that a Community Board can appeal in its own name to the Local Government Commission.

So for the purposes of those two statutes, and on these 2 occasions only, the Community Board has the status of a legal entity. The Local Government Act 2002 provides that any person may object to the Remuneration Authority on a remuneration proposal by a Council and it was in that context that the Spreydon/ Heathcote Community Board proposed to make a submission to the Remuneration Authority.

Council Appointees to a Community Board

The Community Board in Christchurch comprises five persons who are directly elected to the Community Board and the Council has the discretion to appoint Councillors from the community board area as members of the Community Board. It has been the practice of the Christchurch City Council, since re-organisation in 1989, that the two ward Councillors (1 Councillor for the Banks Peninsula ward) are appointed as members of the relevant Community Board. Having made that appointment legally those Council appointees are just as much members of the Board as those who are elected to the Board, subject to my comments below regarding the electoral review process and the remuneration process.

I make the comment regarding the fact that the appointees have exactly the same legal status as the elected members of the Board because there may have been a perception that an appointed Community Board member has a different status from an elected Board member. That is not the case. Whether the person is elected to the Board or appointed to the Board once that election or appointment has been made, and the person has taken the declaration as a Board member, then they have exactly the same legal status to be informed of issues before the Board, to receive agendas, move motions and vote on items.

However as I've said above there are two situations where this general principle is not applicable. The first of those is when the Council is conducting an electoral review and the second is with a Remuneration Review.

Electoral Review

The Local Electoral Act requires that the Council carry out an electoral review at least every six years (and I note that another review is due to be completed by August 2009). One of the issues to be considered as part of that review is whether or not the Council continues to have Community Boards.

The legislation also provides that the Community Boards have a separate right to lodge an appeal to the Local Government Commission against any proposal that may be made by its current Council. As a hypothetical example if the Council proposed that a Community Board be abolished then Parliament intended that the Community Board itself in its own name have the right to formally make an appeal to the Local Government Commission.

In that context I have previously advised Councillor members of Community Boards that it would be inappropriate for them to, in effect, vote twice on such an issue, once at the Community Board level and once at the Council level. In that situation Council appointees should choose either to vote on the issue at Community Board level (and therefore not vote on the matter at Council) or not vote at Community Board level and reserve the right to vote on the matter at the Council level.



