

HUTT CITY COUNCIL

Resolutions of an extraordinary meeting of The Hutt City Council held in the Council Chambers, 2nd Floor, 30 Laings Road, Lower Hutt on
Friday 9 October 2020 commencing at 1.05pm

1. CHIEF EXECUTIVE'S REPORT ON THE CODE OF CONDUCT COMPLAINT AGAINST COUNCILLOR MILNE (20/1176)

RESOLVED: (Mayor Barry/Cr Dyer) (By Division)

Minute No. C 20603

"That Council agrees to accept the findings of the independent investigator's report in the Final Report attached as Appendix 1 to the Chief Executive's Report on the Code of Conduct Complaint against Councillor Milne that:

- (a) *"based on the information and documentation before me to date and the information provided to me in my interviews with David Howie, Bruce Hodgins and Councillor Milne, I am of the view that Councillor Milne's breaches of clause 5.3 in respect of complaint 1, and clauses 8 and 10 in respect of complaint 2 are material and serious and should be drawn to the attention of, and considered by, Council; and*
- (b) *Councillor Milne's actions and responses to date reflect a lack of awareness of how those actions could be perceived and could be detrimental to the Council's reputation. The adverse impacts of Councillor Milne's actions are real and, if not remedied by his acceptance that they should not be repeated, they risk undermining the purpose and objectives of the Code".*

The motion was declared CARRIED by Division with the voting as follows:

For

Against

Mayor Barry
Cr Briggs
Cr Brown
Cr Dyer
Cr Edwards
Cr Hislop
Cr Mitchell
Cr Shaw
Total: 8

Cr Bassett
Cr Sutton

Total: 2

RESOLVED: (Mayor Barry/Cr Edwards) (BY DIVISION) **Minute No. C 206024**

“That Council determines that penalties will be imposed as follows:

- (i) a letter of censure written by the Mayor on behalf of Council to Councillor Milne expressing disappointment with his actions and stubbornness that has led to the inability to settle this matter at an earlier stage;*
- (ii) requires Councillor Milne to issue an unqualified public apology that is acceptable by the Mayor and Chairs of Standing Committees (excluding Deputy Mayor Lewis) which includes:*
 - (a) an acknowledgement that his actions were serious and have breached the Code of Conduct and that those actions were wrong and will not be repeated; and*
 - (b) a commitment to adhere to the Code of Conduct;*
- (iii) requires Councillor Milne to undergo training that addresses the matters found by the independent investigator and with a restorative process to rebuild trust between Councillor Milne and Council;*
- (iv) removal from the Risk and Audit Subcommittee and Seaview Marina Ltd Board unless an unqualified public apology is given by 23 October 2020 by Councillor Milne (see part (ii) above);*
- (v) reimbursement of \$16,500 of Council’s external costs incurred in the full investigation required for the Final Report by the independent investigator; and*
- (vi) Councillor Milne will only have access to staff via the Chief Executive, for the remainder of the 2020/2021 financial year. The Chief Executive will establish protocols to implement this.*

For the reasons that Councillor Milne has breached three provisions of the Code of Conduct and these breaches have been found to be serious and material by an independent investigator. Councillor Milne continues to display a lack of awareness of how those actions could be perceived and have been detrimental to Council’s reputation. The adverse impacts of Councillor Milne’s actions are real and he has not accepted that they should not be repeated, therefore his behaviour continues to risk undermining the purpose and objectives of the Code of Conduct.”

The motion was declared CARRIED by Division with the voting as follows:

<u>For</u>	<u>Against</u>
Mayor Barry	Cr Bassett
Cr Briggs	Cr Sutton
Cr Brown	
Cr Dyer	
Cr Edwards	
Cr Hislop	
Cr Mitchell	
Cr Shaw	
Total: 8	Total: 2