

THURSDAY 15 DECEMBER 2011

COUNCIL

RESOLUTION TO EXCLUDE THE PUBLIC

Section 48, Local Government Official Information and Meetings Act 1987.

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items 43, 45 and 56.

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
43. Confirmation of Minutes - Council) Meeting of 24.11.2011		
10. Confirmation of Minutes - Council) Meeting of 1.12.2011 and 8.12.2011		
45. Street Lighting Maintenance and) Renewals Contract) GOOD REASON TO) WITHHOLD EXISTS)) UNDER SECTION 7	SECTION 48(1)(a)
56. Ferrymead Bridge – Construction) Methodology		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

ITEM	REASON UNDER ACT	SECTION	PLAIN ENGLISH REASON	WHEN REPORT CAN BE RELEASED
43.	Prejudice commercial position.	7(2)(b)(1)	To prevent other organisations bidding for the same event gaining an advantage by understanding the details of any offer Council may make.	The report will be made public as soon as any negotiations have reached a conclusion, this will be 30 March 2012 at latest.
43.	Maintain Legal Professional Privilege and Commercial Activities	7(2)(g) & (h)	The Council will be receiving legal advice with regard to commercial agreements that it has entered into with other parties. Negotiations with those parties are ongoing. The public is usually excluded in situations such as these because there may be issues raised that could potentially be used by the other parties in a way that could prejudice or disadvantage the Council's position.	
10.	Prejudice Commercial Position	7(2)(b)(iii)	Commercial negotiations yet to be finalised. Sensitivities still exist around resolution of insurance position.	Outcome of report can be released after commercial discussions finalised with Contractor.

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ITEM	REASON UNDER ACT	SECTION	PLAIN ENGLISH REASON	WHEN REPORT CAN BE RELEASED
10.	Right of Appeal Exists	48(2)(a)(i)	To enable the Council to consider its Commissioners' report in private without influence from the media or any party to the proceedings. To enable the Council to notify its decision to the parties to the plan change before the matter is reported in the media.	The report can be released following the period in which parties to the proceedings will receive notification of the Council's decision in the ordinary course of the post.
10.	Prejudice Commercial Position	7(2)(b)(ii)	On the basis that the contract is not yet signed, publicly disclosing the information could unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information. Furthermore, withholding the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities.	
10.	Commercial Activities	7(2)(h)	On the basis that the contract is not yet signed, publicly disclosing the information could unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information. Furthermore, withholding the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities.	
10.	Prejudice Commercial Position	7(2)(b)(i)	confidential negotiations with sponsors, public scrutiny of their position will severely disadvantage them.	March 2012
10.	Prejudice Commercial Sensitivity	7(2)(b)(ii)	Commercial sensitivity and to allow activities and negotiations to be carried on without prejudice or disadvantage.	Once negotiations are complete.
45.	Commercial Activities	7(2)(h)	Contractual pricing is commercially sensitive. Paragraphs 6 to 12 inclusive are Public Excluded	Report can be released on signing of contract extension.
56.	Prejudice Commercial Position	7(2)(b)(iii)	Commercial negotiations yet to be finalised. Sensitivities still exist around the resolution of the insurance position.	Outcome of report can be released after commercial discussions finalised with contractor.

Chairman's

Recommendation: That the foregoing motion be adopted.

Note

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

- “(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):
- (a) Shall be available to any member of the public who is present; and
 - (b) Shall form part of the minutes of the local authority.”