



THURSDAY 26 APRIL 2012

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 19, 20, 21, 22 and 23, and that the Crown Observer, Kerry Marshall, be permitted to remain in the room for the consideration of these items.

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
19.	Confirmation of Minutes - Council Meetings of 22.3.2012 and 12.4.2012 8.3.2012)))	
20.	Renewal of Contract: Internal Audit and Risk Management Services)))	
21.	Plan Change 58: 98 Wrights Road – Report and Recommendations of Council Hearings Panel))) GOOD REASON TO WITHHOLD EXISTS	SECTION 48(1)(a)
22.	Judicial Review – Independent Fisheries Ltd Versus Minister Canterbury Earthquake Recovery) UNDER SECTION 7))	
23.	Approval to Award New Road Maintenance Contracts)))	

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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
19. 22.3.2012	Maintain Legal Professional Privilege	7(2)(g)	To enable the Council to receive legal advice.	Not known at this time.
19. 22.3.2012	To Protect the Privacy of Natural Persons	7(2)(a)	Caterpillar Tours Limited have provided commercially sensitive accounting information.	12 months after consideration by Council – an earlier release may adversely effect the liquidation process.
19. 22.3.2012	Protection information likely to prejudice the commercial position	7(2)(b)(ii)	Caterpillar Tours Limited have provided information which could have a bearing on prospective sale.	12 months after consideration by Council – an earlier release may adversely effect the liquidation process.
19. 22.3.2012	To enable the Council to deliberate in private on a recommendation where a right of appeal to a Court against the Council's decision exists	48(1)(d) and 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.
19. 22.3.2012	Maintain legal professional privilege	7(2)(g)	To enable the Council to receive legal advise.	
19. 12.4.2012	To enable the Council to deliberate in private on a recommendation where a right of appeal to a Court against the Council's decision exists	48(1)(d) and 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.
20.	Necessary to enable, without prejudice or disadvantage, negotiations to take place	7 (2)(i)	Disclosure may prejudice contract negotiations with the supplier.	12 months time.
21.	To enable the Council to deliberate in private on a recommendation where a right of appeal to a Court against the Council's decision exists	48(1)(d) and 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.
22.	Maintain legal privilege	7(2)(g)	Confidentiality of legal advice to the Council about litigation.	When the litigation is concluded.

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23.	Commercial activities	7(2)(b)(ii) and 7(2)(h)	On the basis that the contract is not yet signed, publicly disclosing the information could unreasonably prejudice the commercial position of those contractors involved.	When the contracts are signed and the unsuccessful contractors have been informed.

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.”