



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 16, 17 and 18.

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
16.	Confirmation of Minutes: Council Meetings of 28 June 2012 and 12 July 2012)	
17.	113-125 Manchester Street – Site Clearance Christchurch) GOOD REASON TO WITHHOLD EXISTS) UNDER SECTION 7	SECTION 48(1)(a)
18.	Judicial Review Of Ministerial Use of Canterbury Earthquake Recovery Act Powers to Insert Chapters 12A and 22 into the Operative Regional Policy Statement)	

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
16. Mins of 28.6. 2012	Conduct of negotiations.	7(2)(i)	To enable the council to discuss information regarding Commercially sensitive contract.	-
"	Official Information Act (1982).	9(2)(b)(ii)	Commercially sensitive information during RFP process.	Never.
"	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 Panel's 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 Variation 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.
"	To enable the Council to carry on, without prejudice or disadvantage, negotiations with regard to the granting of consents for the Central Plains Water Irrigation Scheme (CBW).	7(2)(i)	Ngai Tahu and other parties (including the Council) have been negotiation the settlement of appeals lodged against the granting of consents. These have yet to be completed.	When the negotiations are completed, all appeals are settled and the consents granted are confirmed.

COUNCIL 26. 7. 2012

ITEM	REASON UNDER ACT	SECTION	PLAIN ENGLISH REASON	WHEN REPORT CAN BE RELEASED
16. Mins of 12.7. 2012	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	7(2)(i)	Property is subject to confidential Negotiations.	When settlement is concluded.
“	Conduct of negotiations.	7(2)(i)	-	-
“	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	7(2)(i)	Property is subject to confidential negotiation.	When settlement is concluded.
“	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	7(2)(i)	The property is subject to confidential negotiations with regard to the purchase. Disclosure of the agreed price, if the Council do not purchase, would prejudice the land owners position.	If the property is purchased – after settlement.
“	Protection of Privacy of a Natural Persons.	7(2)(a)	Until the appointment is approved it is reasonable for the name of the proposed person to be kept confidential as it could damage their reputation and personal privacy if the Council chooses to not approve the appointment for some reason. Any debate around suitability of a specific individual should not be held in public as it may affect their reputation.	The information included in the report can be made public immediately following advice to the individual that the appointment has been approved. This would normally be within 24 hours of the decision being made.
17.	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	7(2)(i)	The report contains financially sensitive information which, if released, can affect the course of negotiations and should remain confidential.	When settlement of the insurance claim is complete.
18.	Maintaining legal professional privilege.	7(2)(g)	The report contains legal advice which is covered by privilege.	-

Chairperson’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.”