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# Committee of the Whole

## Item for DECISION

<b>Report</b>	Request to Accept a Late Item to the Committee of the Whole Meeting Agenda
<b>Meeting Date</b>	1 September 2022
<b>Item Number</b>	LATE ITEM 1
<b>Prepared By</b>	Julie Gardner – Service Delivery Administrator
<b>File Reference</b>	749435

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### REPORT SUMMARY

The Committee of the Whole is requested to admit an agenda item to the public excluded agenda of 1 September 2022.

The reason why the item was not on the agenda is because the information was not available at the time the agenda was produced.

The reason why the discussion cannot be delayed is because there will be a potential financial cost with further delay.

Section 46A (7) of the Local Government Official Information and Meetings Act 1987 states:

An item that is not on the agenda for a meeting may be dealt with at the meeting if-

- (a) The local authority by resolution so decides; and
- (b) the presiding member explains at the meeting at a time when it is open to the public,
  - (i) the reason why the item is not on the agenda; and
  - (ii) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

### RECOMMENDATIONS

- That the “Request to Accept a Late Item to the Committee of the Whole Meeting Agenda” report be received.
- That the Committee of the Whole accepts the following items as Late Items:
  - Milton Main Street Utilities Undergrounding Update

- **Potential Property Purchase in Milton**
- **Reseals and Pre-Seal Repairs programme 2022/23**

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# Clutha District Council

## Committee of the Whole

### Item for DECISION

<b>Report</b>	Reasons to Move to Public Excluded Session
<b>Meeting Date</b>	1 September 2022
<b>Item Number</b>	1
<b>Prepared By</b>	Steve Hill – Chief Executive
<b>File Reference</b>	747255

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### REPORT SUMMARY

*This replaces the previously published Committee of the Whole Reasons to Move to public excluded as there are additional late items (Subject to Council approval).*

The Committee may by resolution or upon motion being made, exclude the public from the whole or any part of the proceedings of any meeting.

Grounds to exclude the public under the Local Government Official Information and Meetings Act 1987 are contained in Appendix 1 of the Clutha District Council's Standing Orders as attached.

### RECOMMENDATIONS

- 1. That the Committee of the Whole resolves to exclude the public on the grounds contained in Appendix 1 of the Clutha District Council's Standing Orders under Sections A2 (b), A2 (i) and A2 (j).**

### REPORT

The Item included in the public excluded section of this agenda and the reasons to consider it in public excluded session are:

- 1. Milton Mainstreet Utilities Undergrounding Update**

Under Sections A2 (b), A2 (i) and A2 (j) of Appendix 1 of the Clutha District Council's Standing Orders.

- 2. Potential Property Purchase in Milton**

Under Sections A2 (b), A2 (i) and A2 (j) of Appendix 1 of the Clutha District Council's Standing Orders.

- 3. Reseals and pre-seal Repairs Programme 2022/23**

Under Sections A2 (b), A2 (i) and A2 (j) of Appendix 1 of the Clutha District Council's Standing Orders.

## **APPENDIX 1 - CLUTHA DISTRICT COUNCIL STANDING ORDERS**

### **GROUND TO EXCLUDE THE PUBLIC FROM MEETINGS IN TERMS OF THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987**

A local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

#### **A1**

That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:

- a. to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
- b. to endanger the safety of any person.

#### **A2**

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:

- a. Protect the privacy of natural persons, including that of deceased natural persons; or
- b. Protect information where the making available of the information would:
  - (i) disclose a trade secret; or
  - (ii) be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or,
- c. In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori i, or to avoid the disclosure of the location of waahi tapu; or
- d. Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
  - (i) be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
  - (ii) be likely otherwise to damage the public interest; or
- e. Avoid prejudice to measures protecting the health or safety of members of the public; or
- f. Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- g. Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
- h. Maintain legal professional privilege; or
- i. Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- j. Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- k. Prevent the disclosure or use of official information for improper gain or improper advantage.

Provided that where A2 of this Appendix applies the public may be excluded unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, in the public interest, that the public not be excluded.

**A3**

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:

- a. Be contrary to the provisions of a specified enactment; or
- b. Constitute contempt of Court or of the House of Representatives.

**A4**

That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).

**A5**

That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:

- a. Any proceedings before a Council where
  - (i) A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings; or
  - (ii) The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
- b. Any proceedings of a Council in relation to any application or objection under the Marine Farming Act 1971.