

**MEETING OF THE
COMMITTEE OF THE WHOLE**

Wednesday, 24 April 2024

**Following the
Standing Committee Meetings**

In the Council Chambers

1 Rosebank Terrace

BALCLUTHA

CLUTHA DISTRICT COUNCIL COMMITTEE OF THE WHOLE

Notice is hereby given that a Meeting of the Committee of the Whole will be held in the Council Chambers, 1 Rosebank Terrace, Balclutha on Wednesday, 24 April 2024, at the conclusion of the Standing Committee Meetings.

Steve Hill
CHIEF EXECUTIVE OFFICER

Committee Members

Mayor: Bryan Cadogan

Councillor Kevin Barron
Councillor Dane Catherwood
Councillor Wayne Felts
Councillor Gaynor Finch
Councillor Bruce Graham
Councillor John Herbert
Councillor Michele Kennedy

Councillor Alison Ludemann
Councillor Simon McAtamney
Councillor Dean McCrostie
Councillor Brent Mackie
Councillor Jock Martin
Councillor Ken Payne
Councillor Bruce Vollweiler

COMMITTEE OF THE WHOLE

Wednesday, 24 April 2024

APOLOGIES

Councillor Kevin Barron

PUBLIC FORUM

None advised at the time of printing this agenda.

Item	Page #	Title
1.	4	Reasons to Move to Public Excluded <i>(For the Committee's Decision)</i>

Committee of the Whole

Item for DECISION

Report	Reasons to Move to Public Excluded Session
Meeting Date	24 April 2024
Item Number	1
Prepared By	Steve Hill – Chief Executive
File Reference	891534

REPORT SUMMARY

The Council may upon 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 Council receives the 'Reasons to Move to Public Excluded Session' report.
2. That Council agrees to allow '*specified*' persons to remain as they possess the following knowledge relating to *Item X*: **(IF REQUIRED)**.
3. That if required, Council excludes the public from the following part of the proceedings of this meeting pursuant to the provisions of the Local Government Official Information and Meetings Act 1987 namely:

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
Kaitangata Housing Trust	<p>A2(h)</p> <p>Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities.</p> <p>Council is being asked to purchase land for a particular price.</p>	<p>S48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>

Cyber Security Training	<p>A2(j) Prevent the disclosure or use of official information for improper gain or improper advantage.</p> <p>Elected members are being given cyber security training including information about Clutha District Council cyber security measures.</p>	<p>S48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>
-------------------------	---	---

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 or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown after each item.

Appendix 1: Grounds to exclude the public

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.
 - (ba) 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, or to avoid the disclosure of the location of waahi tapu; or

- (c) 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.
- (d) Avoid prejudice to measures protecting the health or safety of members of the public; or
- (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- (f) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
- (g) Maintain legal professional privilege; or
- (h) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (i) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (j) Prevent the disclosure or use of official information for improper gain or improper advantage.

See s.7 LGOIMA 1987.

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

- iii. Proceedings of a local authority exist in relation to any application or objection under the Marine Farming Act 1971.

See s. 48 LGOIMA.

48 Right of local authorities to exclude public

- (1) Subject to subsection (3), a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on 1 or more of the following grounds:
 - (a) 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 for which good reason for withholding would exist,—
 - (i) where the local authority is named or specified in [Schedule 1](#), under [section 6](#) or [section 7](#) (except section 7(2)(f)(i));
 - (ii) where the local authority is named or specified in [Schedule 2](#) of this Act, under [section 6](#) or [section 7](#) or [section 9](#) (except section 9(2)(g)(i)) of the Official Information Act 1982:
 - (b) 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—
 - (i) be contrary to the provisions of a specified enactment; or
 - (ii) constitute contempt of court or of the House of Representatives:
 - (c) that the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that local authority by an Ombudsman under [section 30\(1\)](#) or [section 38\(3\)](#) of this Act (in the case of a local authority named or specified in [Schedule 1](#)) or under [section 30\(1\)](#) or [section 35\(2\)](#) of the Official Information Act 1982 (in the case of a local authority named or specified in [Schedule 2](#) of this Act):
 - (c) that the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.

See s. 48 LGOIMA.