



Report 07.697

2 October 2007

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Minutes of the Wellington Regional Council held in the Wellington Regional Council Chamber, 142 Wakefield Street, Wellington on Tuesday, 2 October 2007 at 4.30pm

Present

Councillors Buchanan (Chairman), Baber, Evans, Glensor, Greig, Kirton, Laidlaw, Long, McDavitt, Shields, Turver, and Wilde.

Also Present

Richard Fowler, DLA Phillips Fox

Officers Present

Benham , Ryan and Turfrey

Procedural Items

386 **Apologies**

Resolved

(Cr Buchanan/Cr Greig)

That the Council

Accepts the apology for absence from Councillor Aitken.

387 **Public participation**

Tony Randle reiterated his previously expressed concerns regarding the railway business case. He considered that his concerns conveyed to the Council's 14 September 2007 meeting had not been captured in the minutes. His concerns were that a decision at this time is wrong legally and as a matter of democratic principle. He considered that it would be appropriate for the incoming Council to be properly briefed and to confirm the decision to proceed.

388. **Exclusion of the Public****Report 07.695**

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*Resolved**(Cr Buchanan/Cr Turver)**That the Committee**(a) Exclude the public from the following part of the proceedings of this meeting namely:**To recommend matters relating to the purchase of new EMUs.*

The general subject of each matter to be considered while the public is excluded, the reasons 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:

<i>General subject of each matter to be considered</i>	<i>Reason for passing this resolution in relation to each</i>	<i>Ground under section 48(1) for the passing of this resolution</i>
<i>To recommend matters relating to the purchase of new EMUs.</i>	<i>The information contained in this report relates to Greater Wellington Rail Limited entering into a contract for the purchase of new EMUs. The preferred supplier has been chosen but the contracts have not yet been entered into. The report outlines terms of the proposed contracts which have still to be finalised. Having this part of the meeting open to the public would disadvantage the Council and Greater Wellington Rail Limited if further negotiations were to take place as it would reveal Greater Wellington Rail Limited's negotiation strategy.</i>	<i>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 under sections 7(2)(g) and 7(2)(i) of the Local Government Official Information and Meetings Act 1987 (i.e. to protect information which if released would prejudice the maintenance of legal professional privilege and to enable Greater Wellington to carry on without prejudice or</i>
	<i>The report also contains legal advice which if released would prejudice the maintenance of legal professional</i>	

privilege.

disadvantage to negotiations).

The Council has not been able to identify a public interest favouring disclosure of this particular information to public proceedings for the meeting that would override these prejudices.

This resolution is made in reliance on section 48(1) 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 the relevant part of the proceedings of the meeting in public are as specified above.

- (b) *Permit Richard Fowler, Partner, DLA Phillips Fox, to remain for Agenda item 3 of this meeting, after the public has been excluded, because of his knowledge of legal matters relating to this issue. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because of DLA Phillips Fox's role as legal advisor to Greater Wellington relating to the purchase of the EMUs.*

The public part of the meeting closed at 4.40pm.

The restricted public excluded part of the meeting closed at 4.55pm.

Cr I M BUCHANAN
Chairman

Jane Bradbury
Acting Chief Executive

Date:

Date: