

3. **Exclusion of the Public**

Report 07.695

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>	<p><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></p> <p><i>The report also contains legal advice which if released would prejudice the maintenance of legal professional privilege.</i></p> <p><i>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.</i></p>	<p><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 disadvantage to negotiations).</i></p>

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.