5.3 TRANSPARENCY IN DECISION MAKING – MATTERS OF CONFIDENTIAL BUSINESS

**RECOMMENDATION**

That the certification/attestation process for each item to be considered at a closed meeting of Council be approved.

**INTRODUCTION**

At its 30 May 2017 meeting, Council resolved that a certification/attestation process be developed for each item to be considered at a closed meeting.

This was part of the motion that addressed transparency in decision making.

**BACKGROUND & DISCUSSION**

The decision of Council required that certification/attestation process is to be completed for each item of confidential business, with the certificate to:

- appear on the public Council agenda;
- provide information to the public about the item (as is possible without breaching confidentiality), the reasons why the item needs to be considered in closed Council and a recommendation for when the item and decision can be released publicly (or if not, the reasons why this is not appropriate);
- be signed off by the CEO and, in the case of a Notice of Motion or Urgent Business Motion, by the submitting councillor;
- describe the item and explain the type of decision which Council is considering (to the extent possible without disclosing confidential business);
- specify the grounds upon which the matter is confidential and the basis under the *Local Government Act 1989* which qualifies it for confidentiality;
- specify for how long confidentiality should attach to the item;
- confirm that consideration had been given to whether part of the item could be considered in open Council and whether, in the interests of transparent decision making, it was worth splitting this part of the decision from the confidential part so it could be made in open Council;
- confirm that any consideration of embarrassment to, or potential adverse criticism of Council or any councillor or officer associated with Council, has not been a factor in reaching the view that the item is confidential.

IA proposed certificate, using the process outlined above, has been developed and is attached to this report. In accordance with the Council decision, such an assessment would be published with the public section of the Council papers.

It is proposed that at the point of the Council meeting where Council closes the meeting to the public, the Council is to consider a motion along the following lines:

*That Council resolves to close the meeting to the public in accordance with section 89(2) of the Local Government Act 1989 for the reasons specified in the/each certificate.*

**CONCLUSION**

It is recommended that the proposed process for certification, for items to be considered in a closed meeting of Council, be adopted.
CERTIFICATE

DESIGNATION OF A MATTER UNDER SECTION 89(2) OF THE LOCAL GOVERNMENT ACT 1989

COUNCIL MEETING DATE

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ITEM (provide information to the public about the item (as is possible without breaching confidentiality)

That the following matter be listed for Confidential Business, and the meeting be closed to the members of the public:

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DESIGNATION UNDER S.89(2) OF THE LOCAL GOVERNMENT ACT 1989

(a) personnel matters

(b) the personal hardship of any resident or ratepayer

(c) industrial matters

(d) contractual matters

(e) proposed developments

(f) legal advice

(g) matters affecting the security of Council property

(h) any other matter which the Council or special committee considers would prejudice the Council or any person

(i) a resolution to close the meeting to members of the public

DECISION TO BE MADE (explain the type of decision which Council is considering (to the extent possible without disclosing confidential business):

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WILL THIS ITEM BE MADE PUBLICLY AVAILABLE?

YES □

If yes, date of release: ........../............./.............

NO □

If NO, why it is not appropriate to release the item and decision:

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CONSIDERATIONS

1. Consideration has been given to whether part of the item could be considered in open Council and whether, in the interests of transparent decision making, it was worth splitting this part of the decision from the confidential part so it could be made in open Council.

2. Any consideration of embarrassment to, or potential adverse criticism of Council, any councillor or any Council officer, has not been a factor in reaching the view that the item is confidential.

SIGN OFF (NOTICE OF MOTION/URGENT BUSINESS)

SUBMITTING COUNCILLOR: ..................................................................................................................

SIGNATURE: ........................................................................................................................................

DATE: ........../........../.......................

SIGN OFF (OFFICER’S REPORT)

ANDI DIAMOND
Chief Executive Officer

DATE: ........../........../.....................