

ACCESS TO COUNCIL AND COMMITTEE MEETINGS AND ASSOCIATED DOCUMENTS – CODE OF PRACTICE

Reference Number	676270
Responsible Business Unit	Office of the CEO
Responsible Officer	Chief Executive Officer
Legislation	Local Government Act 1999 Local Government (Procedures at Meeting) Regulations 2013
Relevant Delegations	Chief Executive Officer
Related Policies Management Guidelines Frameworks	<ul style="list-style-type: none"> • Good Public Administration Framework - 741628 • Risk Management Framework - 765895 • Elected Member Behavioural Management Framework • Elected Member Behavioural Policy (LGA Model Policy) • Code of Conduct Independent Members – 685233 • Complaint Framework - 851180 • Internal Review of Council Decisions – 714555 • Section 41 Committee Policy – 714548 • Informal Gatherings Policy - 830108 • Elected Member Allowance & Benefits Policy - 714478
Link to Strategic Plan	Our Performance
Council resolution	245.2
Date Adopted	13 November 2023
Review Date	Once in each financial year (Regs 6(2))
	<p>21 November 2022 – 13.5</p> <p>14 June 2022 – 108.7</p> <p>8 November 2021 – 184.6</p> <p>11 October 2021 – 166.2</p> <p>9 June 2020 – 100.7</p> <p>14 April 2020 – \$64.1</p> <p>Annual Review 11 November 2019, 190.6</p> <p>18 November 2018, 200.6</p> <p>11 December 2017 – 208.3</p> <p>14 November 2016 – 212.3</p> <p>9 May 2016 – 85.4</p> <p>14 September 2015 – 225.6</p> <p>24 November 2014 – 204.10</p> <p>9 December 2013 – 290.6</p> <p>3 September 2012 – 208.5</p> <p>10 May 2010 – 1140.1.6</p> <p>27 April 2009 – 820.1.5</p> <p>13 March 1007 – 81.1.4</p>

POLICY STATEMENT

The Rural City of Murray Bridge seeks to promote public participation in its decision making processes. Through this Code of Practice, Council aims to provide clear guidelines on the principles, *The electronic version accessible on Council's website and Council's electronic record system is the controlled version. Printed copies are considered uncontrolled – before using a printed copy verify that is the current version.*

policies, guidelines and practices that apply in relation to convening Council and Section 41 Committee meetings and Informal Gatherings.

Council documents, including forward meeting dates, agendas and minutes, will be published on Council's website – www.murraybridge.sa.gov.au

OBJECTIVES

This Code of Practice meets the provisions of:

- the Local Government Act 1999 and associated Regulations, and
- Council's Community Plan 2016-2032 and Council's Strategic Plan 2020-2024

SCOPE

This policy applies to all formal meetings of the Council Elected body, Section 41 Committee Meetings and Informal Gatherings convened under the Local Government Act 1999.

PRINCIPLES

The Rural City of Murray Bridge supports open, transparent and informed decision making and will actively encourage appropriate community participation in the affairs of the Council through ensuring

- Acting in a manner that is fair and contributes to open, transparent and informed decision making;
- Encouraging appropriate community participation in the affairs of the Council;
- Reflecting levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting
- Acting in a way to give the community and decision makers confidence in the deliberations undertaken at the meeting

DEFINITIONS

Definitions are also contained within Legislation and Council's Strategic Framework

Committee means a Committee established under Section 41 of the Local Government Act, 1999.

Connect means able to hear and/or see the meeting electronically, including via a live stream or recording of the meeting;

Disconnect means remove the connection from an electronic means so as to be unable to hear and see the meeting;

Electronic means includes a telephone, computer or other electronic device used for communication

Informal Gatherings means Information or Briefing Sessions as defined under S90A of the Local Government Act 1999

Live Stream means the transmission of audio and/or video from a meeting at the time that the meeting is occurring.

Principal Member is the Mayor or Acting Mayor of Council

Website address is www.murraybridge.sa.gov.au

MEETING TIMES – COUNCIL AND COMMITTEE MEETINGS

Council Meetings

To ensure members of the Community are aware of when Council meetings will be held dates will be set twelve months in advance, except in the following year a new Council is elected.

During the 2022-2026 Council term Council meetings are held on the second Monday of the month, with the exception of January. Where a public holiday falls on the second Monday the Council meeting will be held on the Tuesday.

Council meetings will commence at 7 pm and be held in the Council Chamber, Local Government Centre, 2 Seventh Street, Murray Bridge. At times, Council may decide to hold its meeting in another location, the revised meeting location will be posted to Council's website and advertised within our Community.

Council meetings are open to the public and will be livestreamed via Council's social media channels. At times Council will need to consider an item in confidence and the public will then be asked to leave the Council Chamber and will be disconnected from the livestream.

S41 Committee Meetings

Committee meeting dates will be set following discussion with Committee members and published on Council's website. Committee meetings are open to the public. At times the Committee will need to consider an item in confidence and the public will then be asked to leave the meeting.

Committee meeting documents, including meeting dates, agendas and minutes, will be published on Council's website – www.murraybridge.sa.gov.au

Further information on S41 Committee is contained in the S41 Committee policy.

Informal Gatherings

Informal Gathering dates will be set following discussion between the Chief Executive Officer and Mayor and published on Council's website. Informal Gatherings are open to the public. At times the Committee will need to consider an item in confidence and the public will then be asked to leave the meeting.

As Informal Gatherings are not decision making forums no agendas or minutes are created.

Further information on Informal Gatherings is contained in the Informal Gatherings policy.

COMMUNITY ATTENDANCE AT COUNCIL MEETINGS

Council welcomes the public to attend Council meetings to listen and observe proceedings either in person or via livestream.

A member of the public is not permitted to speak at a Council meeting unless specifically invited to do so by the Presiding Member. Council reserves the right to ask any member of the public to leave a meeting if they are causing a disturbance and/or enters the meeting room when in a confidential session.

To ensure the privacy of those attending Council does not allow the use of recording devices and/or cameras at its meetings unless approved by a decision of the Council.

ELECTED MEMBER ABSENCE

While it is recognised that Elected Members are committed to attending scheduled Council meetings, there are times when they are not able to attend. Elected Members will advise the Executive Assistant to the CEO and Mayor of their inability to attend the meeting as soon as known and an apology will be recorded at the meeting.

Elected Members who are unable to attend meetings for a three month period will apply to Council for consideration of a leave of absence in accordance with legislation. Any Elected Member who is absent for 3 or more consecutive 'ordinary' meetings of Council, without the prior leave of Council will trigger a requirement for Council to consider a resolution to create a casual vacancy.

AGENDAS AND MINUTES FOR COUNCIL MEETINGS

To ensure the Community are informed of what is being discussed at Council and Committee meetings, the following will apply.

- The Chief Executive Officer, using an electronic signature, will provide formal notice of meetings to Elected Members via the Council agenda.
- Meeting agendas, including reports and attachments will be available at least three (3) clear days before a meeting and posted to Council's website. Reports will be made available in hard copy in the Local Government Centre and at the meeting. Elected Members and Staff will receive their agenda documents via their Council provided electronic device.
- Members of the public may obtain a copy of the agenda and any particular reports for a fee to cover the costs of photocopying, in accordance with Council's schedule of fees and charges. Access will be provided to the public to access Council's public wifi to download the Council agenda onto electronic devices, upon enquiry.
- Items listed on the agenda will be described accurately and in reasonable detail to ensure the public is aware of reports before the Council for consideration.
- Council will consider each item listed on the agenda for discussion and determination individually.
- The Presiding Member, with the leave of the meeting, may change the order of the agenda to suit the needs of the public, employees, individual members or any person making a deputation or presentation.
- Confidential items will be described accurately on the public agenda with the exclusion of the report detail and any associated attachment
- Minutes of meetings will be available five (5) days after the meeting and posted to Council's website, made available in hard copy in the Local Government Centre. Elected Members and Staff will receive their documents via their Council provided electronic device. Access will be provided to the public to access Council's public wifi to download the Council minutes onto electronic devices, upon enquiry.

ORDER OF COUNCIL MEETINGS

Ordinary Council meetings will follow the following order of business

- **Civic Prayer**
Almighty God, we humbly beseech Thee to grant thy blessing upon the work of this Council. Direct and prosper its deliberations to the advancement of Thy Glory, and the true welfare of the People of this District. Amen.
- **Recognition of Contributors to our Community**
We acknowledge the Ngarrindjeri people as the traditional owners of this land on which we meet and work. We respect and acknowledge their spiritual connection as the custodians of this land and that their cultural heritage beliefs are still important to the living people today.

We recognise the living culture and combined energies of the Ngarrindjeri people, our global Pioneers and Community Members today for their unique contribution to the life of our Region.

- **Apologies**

Will include Members on leave of absence and apologies as registered with the Executive Assistant

- **Confirmation of Minutes of previous meeting**

- **Conflict of Interest declarations**

Elected Members and Staff will identify their conflict of interests in relation to reports before the Council In accordance with

- Sections 73-74 – Material conflicts of Interest
- Section 75 – Actual and perceived conflicts of interest

A member of a council who has an interest in a matter before the Council must disclose the interest to the Council by

- Describing the nature of the interest, and
- The manner in which the member dealt with the actual or perceived conflict of interest, and
- If the Member voted on the matter and how they voted, and
- The manner in which the majority at the meeting voted.
- This information will be recorded within the minutes of the meeting.

- **Communications Report**

Provided in writing (email is preferred) to Executive Assistant by Mayor , Elected Members and Chief Executive Officer prior to close of agenda, on activities for previous month. This report provides advice to the Community on the activities of the Mayor, Elected Members and Chief Executive Officer in undertaking their role.

- **Deputations**

In accordance with Regulation 11 of the Local Government (Procedures at Meetings) Regulations 2013, if a decision is required, a report will be presented to the next meeting of Council to allow Council to make a determination. Deputations will be allocated up to 5 minutes to present their case to Council followed by questions from Elected Members.

- **Reports from Section 41 Committees**

Minutes of Section 41 Committees held for previous month with recommendations for Council to consider.

- **Reports from Council Subsidiaries**

Minutes of Council Subsidiaries held for previous month with recommendations for Council to consider.

- **Reports for Council (based on Strategic Themes)**

- Valued Environment
- Great People and Lifestyle
- Dynamic Economy
- Connected Communities
- Our Performance

- **Motions on Notice**

Provided in writing (email is acceptable) to the Executive Officer by an Elected Member prior to close of agenda in accordance with Regulation 12 of the Local Government (Procedures at Meetings) Regulations 2013

- **Motions Without Notice**

In accordance with Regulation 12 of the Local Government (Procedures at Meetings) Regulations 2013 an Elected Member may bring forward any business by way of a motion without notice, however the Presiding Member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).

- **Questions on Notice**

Provided in writing (email is acceptable) to the Executive Officer prior to close of agenda in accordance with Regulation 9 of the Local Government (Procedures at Meetings) Regulations 2013

- **Questions without Notice**

In accordance with Regulation 9 of the Local Government (Procedures at Meetings) Regulations 2013, may be raised from the floor of the meeting and will only be recorded in the minutes with the approval of the meeting.

- **Confidential Reports**

In accordance with Section 83(5) of the Local Government Act 1999 the Chief Executive Officer may indicate on a document or report provided to Members of the Council under subsection (4) (or on a separate notice) any information or matter contained in or arising from a document or report that may, if the Council so determines, at the same time specifies the basis on which an order could be made under that Part.

ORDER OF SPECIAL MEETINGS

Under the Local Government Act 1999 a Special Council meeting can be called by either the Principal Member or at least three Area Members to discuss a specific issue. The Chief Executive Officer will arrange an agenda to be prepared following the following order:

- **Civic Prayer**

Almighty God, we humbly beseech Thee to grant thy blessing upon the work of this Council. Direct and prosper its deliberations to the advancement of Thy Glory, and the true welfare of the People of this District. Amen.

- **Recognition of Contributors to our Community**

We acknowledge the Ngarrindjeri people as the traditional owners of this land on which we meet and work. We respect and acknowledge their spiritual connection as the custodians of this land and that their cultural heritage beliefs are still important to the living people today.

We recognise the living culture and combined energies of the Ngarrindjeri people, our global Pioneers and Community Members today for their unique contribution to the life of our Region.

- **Apologies**

Will include Members on leave of absence and as registered with the Executive Assistant

- **Conflict of Interest declarations**

Elected Members and Staff will identify their conflict of interests in relation to reports before the Council In accordance with

- *Sections 73-74 – Material conflicts of Interest*
- *Section 75 – Actual and perceived conflicts of interest*

A member of a council who has an interest in a matter before the Council must disclose the interest to the Council by

- *Describing the nature of the interest, and*

- *The manner in which the member dealt with the actual or perceived conflict of interest, and*
 - *If the Member voted on the matter and how they voted, and*
 - *The manner in which the majority at the meeting voted.*
 - *This information will be recorded within the minutes of the meeting.*
- **Report on Subject of Special Meeting**
Report on subject the Special Meeting has been called for

COMMUNITY ENGAGEMENT

Council has delegated its Chief Executive Officer the ability to engage community members who may be interested in a decision relating to Council's endorsed plans and strategies. The engagement may result in the formation of a working party to work with Council Officers in delivering the endorsed. These working parties will have a limited life span and act as a community engagement tool with the Community for a specific project. Meetings will be informal. Outcomes from these working parties will be provided to Council through an officer report for consideration.

CONFIDENTIAL REPORTS

At times Council may need to consider items in confidence. The Chief Executive Officer has delegated authority to place an item on the agenda for discussion in confidence for Elected Members to determine whether the item should be considered in confidence. Where possible confidential items will be listed for discussion after public reports and be dealt with at the conclusion of the meeting.

In considering whether an item should be considered in confidence, the Chief Executive Officer will make an assessment based on the public interest test, unreasonable disclosure consideration and applicable legislative requirements. All assessments must withstand objective scrutiny as the exclusion of the public goes to a fundamental principle of transparency and accountability.

Items held in confidence for longer than twelve (12) months will be reviewed annually under delegated authority of the Council to the Chief Executive Officer, with an information report being submitted to Council for noting following the review. Council may also consider releasing media releases prior to an item being fully released to the public to explain the reasons behind a decision.

Items where confidentiality orders are about to expire may be referred back to Council by the Chief Executive Officer to allow Council to consider making a new confidentiality order.

Public Interest Test / Unreasonable disclosure consideration

Items considered to be held in confidence will be assessed against the public interest test / unreasonable disclosure consideration and each item will be considered on its merit.

As a general principle the public interest test / unreasonable disclosure consideration will include an assessment as follows:

- concern or benefit to the public, not merely an individual interest.
- seriously impacts on an individual's personal affairs (*financial affairs; criminal records; marital or other personal relationships; employment records; personal qualities or attributes*)
- Interferes with commercial in confidence activities
- disclosure of certain information that would prevent the efficient and effective governance of the Council or Committee
- prejudice the fair treatment of a public report by early disclosure
- detriment to the public (ie disclosing information would inhibit the flow of information to law enforcement agencies)
- Information is being tested for accuracy

Council accepts that it is irrelevant in consideration of the level of disclosure that discussion of a matter in public may:

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- cause embarrassment to a Council or Committee concerned, or to members or employees of a Council; or
- cause a loss of confidence in a Council or Committee. [s.90(4)]
- involve discussion of a matter that is controversial within the Council area; or
- make the Council susceptible to adverse criticism

In accordance with section 91(8) Council will not make an order to prevent

- the disclosure of the remuneration or conditions of service of an employee of the Council after the remuneration or conditions have been set or determined; or
- the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected; or
- the disclosure of the amount or amounts payable by the Council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or
- the disclosure of the identity of land that has been acquired or disposed of by the Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.

When the proposal has been agreed with the third party and contracts signed

Information in relation to confidential clauses is provided in appendix 1.

Elected Members and Council staff understand that breaches of confidentiality orders may result in severe penalties as identified within Legislation.

Confidential Items Register

A confidential items register will be maintained and posted to Council's website containing the report number, report title, meeting date, confidentiality reason and trigger to release the report. Released documents will be placed on Council's website and available for inspection within the Local Government Centre.

Information held in confidence may be accessible under the Freedom of Information Act 1991 and contact should be made with Council's Accredited Freedom of information Officer to discuss this further. A listing of confidential provisions is attached as appendix 1.

CODE FOR VARIATIONS TO THE REGULATIONS – PART 2 – ALLOWABLE VARIATIONS

In considering Part 2 of the following explanations on process are provided for information,

Council has resolved to vary R19 – Adjourned Business in relation to Council and Committee meetings to allow any adjourned business item to be listed at an appropriate place on the next available agenda by the Chief Executive Officer.

A separate policy identifies the variations made under Part 2 in relation to S41 Committees which include the ability for Committee Members to participate in S41 Committees virtually provided that members of the public can hear the discussion between all Committee members.

CONFLICT OF INTEREST DISCLOSURES

An opportunity will be made for Elected Members and Staff Members to publically disclose an interest they may have in a matter before Council, as required by Legislation. An information paper has been prepared by the Local Government Association and is available on their website. A register of Conflict of Interest Disclosures made by Elected Member is available on Council's website.

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ELECTED MEMBER COMMUNICATIONS

Elected Members are encouraged to provide a report on attendance at meetings and functions on behalf of Council where they have filled an official Council delegate/representative role or a role on behalf of the Mayor.

PETITIONS (explanation)

Council will consider an item of correspondence to be a petition if it contains the following information:

1. The petition should be legibly written, typed or printed and include at the top of each page the word "Petition" and "*text identifying the request of the petition*", and.
2. All signatures on the petition must contain original signatures, not photocopies or faxed copies and include the name, address and contact details of the individual, and
3. Should be addressed to the Council and delivered to the Principal Office of the Council. (Local Government Centre, 2 Seventh Street, Murray Bridge and/ or council@murraybridge.sa.gov.au).

When a petition is received, complying with the above, it will be presented to the next meeting of Council via an Officer report for their information and consideration.

This practice will not apply in relation to Petitions received relating to a development application as they will be considered in accordance with the Planning Development and Infrastructure Act 2016.

DEPUTATIONS (explanation)

From time to time requests are received from individuals or groups to address Council on specific items. The Principal Member will consider a written request and may grant approval for a deputation to occur.

In the interests of fairness and expediency, each deputation will be allocated 5 (five) minutes, excluding questions from Elected Members. If a decision is required from the deputation, Council will seek a report from administration which will be presented to Council at the next appropriate meeting.

MOTIONS AND AMENDMENTS TO MOTIONS (explanation)

The following information is provided as a guide in relation to Amendments to Motions – no variation has been made to the Regulations in relation to Council meetings.

- An amendment cannot be a direct negative of the motion. A direct negative to the motion requires the moving of a new motion.
- Any Elected Member who has spoken to the original motion cannot speak to any amendments.
- Any Elected Member who has not spoken (other than to ask a question) in a matter, may move, second or speak to an amendment.
- A second (further) amendment can only be considered by the meeting once the first amendment has been resolved.
- Any Elected Member who has not spoken previously to the original motion or the first amendment may move, second or speak to a second (further) amendment.
- Further amendments can only be moved or seconded by those Members who have not previously spoken, and the meeting has resolved the previous amendment.

The debate on the matter is to be closed by the original mover of the original motion after all amendments have been voted upon and all speakers who wish to participate in the debate have been exhausted. There is no closing of the debate prior to voting on an amendment

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A variation has been made in relation to the conduct of Committee meetings – refer to section on S41 Committees.

VOTING and DIVISIONS (explanation)

The Presiding Member will ask for the motion or amendment to be read prior to taking a vote.

Elected Members will vote by show of hands.

In the case of a division, those Elected Members voting for the motion will stand and those voting against the motion will remain seated. It is recognised that Members may change the way they voted during a Division.

FORMAL MOTIONS (explanation)

When a formal motion is moved, the Presiding Member must seek a seconder and if a seconder is received the formal motion takes precedence must be dealt with immediately.

ADJOURNED BUSINESS (variation)

In accordance with Regulation 19(4) the Regulation in relation to Adjourned Business is to be varied to allow any adjourned business item to be listed at an appropriate place on the next available agenda by the Chief Executive Officer.

ACCOUNTABILITY AND REPORTING TO THE COMMUNITY

As part of its Annual reporting requirement, Council will report on the following information for both Council and Committees meetings:

- Number of ordinary and special Council meetings held
- Elected Member attendance at ordinary and special Council meetings.
- Number of ordinary and special Section 41 Committee meetings held
- Number of business agenda items considered by Council, Special Council and Section 41 Committee meetings (will not include deputations; conflict of interest declarations; question without notice)
- Number of informal gatherings held
- Number of agenda items that public have been excluded by Council, Special Council and Section 41 Committee meetings.
- Number of agenda items that been kept confidential by Council, Special Council and Section 41 Committee meetings.
- Breakdown of confidentiality clauses used.
- An indication of any particular issues that contributed to the use of confidentiality provisions on more than one occasion e.g. a proposal to acquire a parcel of land was considered on 3 separate occasions

DELEGATIONS

1. A delegation to the Chief Executive Officer to indicate when items should be considered in confidence in line with S83 of the Local Government Act 1999 and in line with the Public Interest Test and Unreasonable disclosure test.
2. A delegation to the CEO to undertake an annual review of confidential items and release items from confidence as appropriate and also the ability to release items early from confidence following consultation with the Mayor.
3. A delegation to the Chief Executive Officer to bring an item back to Council to allow Council to consider a fresh confidentiality, if the Chief Executive Officer believe the item should still be held in confidence.

GRIEVANCES

Should a person be concerned about public access to either a meeting or a document, contact should be made with the Chief Executive Officer or delegate¹ in the first instance. If a person is not satisfied with the answer then a written request for the Chief Executive Officer to review the request should be made and may result in a report to Council for determination.

Reference should also be made to Council Complaint Management Framework, Complaints Management Policy and Council's Review of Decisions and Requests for Services policy in relation to the appeal of a Council decision.

AVAILABILITY OF CODE

The Code will be available for inspection, without charge at the Local Government Centre during office hours and on Council's website. A copy of the Code may be purchased from the Local Government Centre for a fee fixed by Council and listed in its Fees and Charges Schedule.

¹ The CEO has nominated the General Managers, Executive Officer and Executive Assistant as his delegates

Appendix 1

MATTERS FROM WHICH THE PUBLIC CAN BE EXCLUDED

In accordance with the requirements of section 90(3) of the Act, Council, or a Council Committee, may order that the public be excluded in the following circumstances:

90(3)	Description
a	<p>information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);</p> <p>There are two tests that must be satisfied in order to comply with this section</p> <ol style="list-style-type: none"> 1. The Council is satisfied that the matter involves 'personal affairs', and 2. There is evidence that discussion of such information in a public forum would be unreasonable <p>"personal affairs", includes but not limited to a person's financial affairs, criminal records, marital or other personal relationships, personal qualities, attributes or health status, or that person's employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person, but does not include the personal affairs of a body corporate.</p> <p>NB: Council must not make an order to prevent the disclosure the remuneration or conditions of service of an employee of the Council after the remuneration or conditions have been set or determined.</p> <p>Generally, if an item meets the two tests it will be held in confidence for up to 7 years</p>
b	<p>information the disclosure of which—</p> <p>(i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and</p> <p>(ii) would, on balance, be contrary to the public interest;</p> <p>There are two tests that must be satisfied in order to comply with this section</p> <ol style="list-style-type: none"> 1. The Council is satisfied that the matter could reasonably be expected to meet the above clauses, and 2. How and why the disclosure of information would be contrary to public interest. <p>NB: Council must not make an order to prevent the disclosure of the identify of land that has been acquired or disposed of by the Council or any reasons adopted by the Council as to why the land has been acquired or disposed of by the Council.</p> <p>Generally, if an item fits this clause it will be held in confidence for up to 7 years after a contract has been signed.</p>
c	<p>information the disclosure of which would reveal a trade secret;</p> <p>Council or committee must be satisfied that discussion of the information <u>would</u> reveal a trade secret which gives the respective trader a competitive advantage within their specified trade.</p>

d	<p>commercial information of a confidential nature (not being a trade secret) the disclosure of which</p> <p>(i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; <u>and</u></p> <p>(ii) would, on balance, be contrary to the public interest;</p> <p>There are two tests that must be satisfied in order to comply with this section</p> <ol style="list-style-type: none"> 1. The Council is satisfied that the matter meets the above clauses, and 2. How and why the disclosure of the information would be contrary to the public interest <p>Generally, if an item fits this clause it will be held in confidence for up to 7 years after a contract has been signed or as required by legal agreement.</p>
e	<p>matters affecting the security of the council, members or employees of the Council, or Council property, or the safety of any person;</p> <p>Generally, if an item fits this clause it will be held in confidence for up to 7 years after the advice has been received or as required by legal agreement.</p>
f	<p>information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;</p> <p>Generally, if an item fits this clause it will be held in confidence for up to 7 years after the advice has been received or as required by legal agreement.</p>
g	<p>matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;</p> <p>Generally, if an item fits this clause it will be held in confidence for up to 7 years after the advice has been received or as required by legal agreement.</p>
h	<p>legal advice;</p> <p>Generally, if an item fits this clause it will be held in confidence for up to 10 years after the advice has been received.</p>
i	<p>information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the Council or an employee of the Council;</p> <p>There are two tests that must be satisfied in order to comply with this section</p> <ol style="list-style-type: none"> 1. The Council is satisfied that the matter meets the above clauses, and 2. Reasons for closing the meeting to the public clearly outweigh the general requirements for meetings to be held in public.

	Generally, if an item fits this clause it will be held in confidence for until any actual litigation takes place and is determined by the courts.
j	<p>information the disclosure of which—</p> <p>(i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); <u>and</u></p> <p>(ii) would, on balance, be contrary to the public interest;</p> <p>There are two tests that must be satisfied in order to comply with this section</p> <ol style="list-style-type: none"> 1. The Council is satisfied that the matter meets the above clauses, and 2. Reasons for closing the meeting to the public clearly outweigh the general requirements for meetings to be held in public. <p>Generally, if an item fits this clause it will be held in confidence for up to 5 years after the advice has been received or as required by legal agreement.</p>
k	<p>tenders for the supply of goods, the provisions of services or the carrying out of work.</p> <p>NB: Council must not make an order to prevent the:</p> <ul style="list-style-type: none"> • the disclosure of the identify of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected, or • The disclosure of the amount or amounts payable by the person under a contract for the supply of goods or the provision of services (including the carrying out of work) to, or for the benefit of, the Council after the contract has been entered into by all parties and to the contract <p>Generally, if an item fits this clause it will be held in confidence for up to 7 years after a contract has been signed.</p>
m	<p>information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act;</p> <p>Generally, if an item fits this clause it will be held in confidence until public consultation commences.</p>
n	<p>information relevant to the review of a determination of a Council under the Freedom of Information Act 1991.</p> <p>Generally, if an item fits this clause it will be held in confidence until a determination is made and avenues for appeal are exhausted.</p>
o	<p>information relating to a proposed award recipient before presentation of the award</p> <p>Generally, if an item fits this clause it will be held in confidence until a public notice is made.</p>