

ITEM NUMBER: 13.1

ATTACHMENT 2

**CONFIDENTIAL MINUTES – ALWYNDOR
MANAGEMENT COMMITTEE – 18 JULY 2017
(Report 266/17)**

Pursuant to Section 83(5) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Alwyndor Management Committee Members upon the basis that the Alwyndor Management Committee consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that the Alwyndor Management Committee will receive, discuss or consider:

- b. Information the disclosure of which 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 would, on balance, be contrary to the public interest.**

Confidential Minutes of the Alwyndor Management Committee Meeting held in the Boardroom, Alwyndor Aged Care, 52 Dunrobin Road Hove on Tuesday 18 July 2017.

ITEMS IN CONFIDENCE

5.4 SMT Update (Report No: 31/17)

Exclusion of the Public – Section 90(3)(d) and (i) Order

Motion

- 1** That pursuant to Section 90(2) of the *Local Government Act 1999* the Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the Staff in attendance at the meeting in order to consider Attachments 1-4 for Report No: 31/17 in confidence.

- 2.** That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Attachments 1-4 of Report No: 31/17 on the following grounds:
 - d.** commercial information of a confidential nature (not being a trade secret) the disclosure of which 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; to prejudice the commercial position in that disclosing the working detail of Alwyndor's financial statements would be of detriment to the business and confer a commercial advantage on a third party of Alwyndor and would, on balance, be contrary to the public interest.

 - i.** pursuant to section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to actual litigation involving Alwyndor or employees of Alwyndor relating to three separate industrial relations matters before the courts.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- 3.** The Alwyndor Management Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Mr Pratt, Seconded Mr Bamford Carried

Motion

That the SMT Update be received and noted.

The Committee expressed their appreciation to the SMT for the provision of this report.

Moved Mr Peters, Seconded Mr Bamford Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

Motion

That having considered Attachments 1-4 to Agenda Item 5.4 SMT Update (Report No: 31/17) in confidence under section 90(2) and (3)(d) and (i) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that Attachments 1-4 to Report No: 31/17 be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.

Moved Cr Lonie, Seconded Mr Pratt Carried

6. CONFIDENTIAL

6.1 Monthly Financial Report – June 2017 (Report No: 32/17)

Exclusion of the Public – Section 90(3)(d) Order

Motion

- 1 That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Item 6.1 in confidence.**
- 2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Item 6.1 on the following grounds:**
 - d. commercial information of a confidential nature (not being a trade secret) the disclosure of which 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; to prejudice the commercial position**

in that disclosing the working detail of Alwyndor's financial statements would be of detriment to the business and confer a commercial advantage on a third party of Alwyndor, in addition Alwyndor's financial position is reported as part of Council's regular budget updates, and would, on balance, be contrary to the public interest.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Alwyndor Management Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Mr Bamford, Seconded Ms Wills

Carried

Mr Peters left the room at 7.31pm

Mr Peters re-entered the room at 7.33pm

Motion

1. That the Financial Dashboard (Attachment 1) be received and noted.
2. That the Bank Reconciliation (Attachment 2) be received and noted.
3. That the YTD Budget to Actual Comparison (Attachment 3) be received and noted.
4. That the Movement in Fund/Reserve Accounts (Attachment 4) be received and the actions of the General Manager in reinvesting Term Deposits and redemption of investments be endorsed.
5. That the ACFI and Work Hours Analysis (Attachment 5) be received and noted.

Moved Mr Bamford, Seconded Ms Wills

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

Motion

That having considered Agenda Item 6.1 Monthly Financial Report – June 2017 in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Attachments and Minutes be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.

Moved Mr Bamford, Seconded Mr Pratt

Carried

CONFIRMED 15 August 2017

CHAIRMAN