



## 18.2 Tram 361 Expressions of Interest Results (Report No: 32/23)

**Motion – Exclusion of the Public – Section 90(3)(b) Order** C140223/7346

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Council 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 Report No: 32/23 Tram 361 Expressions of Interest Results in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 32/23 Tram 361 Expressions of Interest Results on the following grounds:
  - b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is proposing to conduct business; or would prejudice the commercial position of the Council and the information would prejudice the commercial position on the Council in that the Council will be engaged in a post Expression of Interest negotiation with the preferred applicant to finalise the terms and conditions of engagement for the removal of Tram 361.

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 Council 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 Councillor Bradshaw, Seconded Councillor Lonie **Carried Unanimously**

Expressions of Interest for the relocation and preservation of Tram 361 to acquire the tram were sought between 14 November and 16 December 2022. Through this process, 10 official submissions were received and scored based on set criteria which aligned with the Expression of Interest principles. Based on the set criteria, a submission from "Mist on Bridgewater" scored the highest out of the 10 submissions received and is the preferred option to remove Tram 361 from Wigley Reserve.

#### **Short Term Suspension of Meeting Procedures**

Her Worship the Mayor with the approval of two-thirds of the members present suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* for a period of 10 minutes to allow Elected Members to discuss Item 18.2. **Tram 361 Expressions of Interest Results** (Report No: 32/23).

Leave of the meeting was granted.

The meeting procedures were suspended at 8.15 pm.

Her Worship the Mayor with the approval of two-thirds of the members present sought leave of the meeting to extend the short-term suspension of the meeting procedures for a further 10 minutes at 8.24 pm.

Leave of the meeting was granted.

The meeting resumed at 8.28 pm.

#### **Motion**

##### **That Council:**

1. **notes the submissions received via the Expression of Interest (EoI) process to acquire Tram 361; and**
2. **approves Administration to commence negotiation with Mist on Bridgewater to remove Tram 361 from Wigley Reserve.**

**RETAIN IN CONFIDENCE - Section 91(7) Order**

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3. That having considered Agenda Item 18.2 Tram 361 Expressions of Interest Results (Report No: 32/23) in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachment and minutes relevant to this item be retained in confidence for a period of 18 months and the Chief Executive Officer is authorised to release the documents when the results of the Expression of Interest process has been completed and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Abley

**Carried Unanimously**

CONFIRMED

28 February 2023



MAYOR

CONFIDENTIAL