

Request for record of Council's meeting with neighbour

Legislation	Local Government Official Information and Meetings Act 1987, s 7(2)(i)
Agency	Auckland Council
Ombudsman	Beverley Wakem
Case number(s)	316311
Date	November 2011

Releasing the record of a meeting conducted on a confidential and without prejudice basis would make it harder to resolve the matter and disadvantage the Council in its negotiations—s 7(2)(i) applies

Auckland Council withheld the record of a meeting with the requester's neighbour to enable it to carry on negotiations with the neighbour, without prejudice or disadvantage. The requester complained to the Ombudsman.

The negotiations in question were between the Council and the requester's neighbour about a shed constructed on the boundary of their properties. The Council granted retrospective resource consent for the shed, but it appeared to have been constructed over an easement in common.

The requester had also been in discussions with the Council about the shed. He strongly believed that the Council should institute enforcement proceedings concerning the shed, rather than negotiate with the neighbours to have the shed removed or relocated.

The meeting with the neighbours was held on a confidential and without prejudice basis in the context of endeavouring to avoid unnecessary litigation in the Environment Court.

The Chief Ombudsman considered that releasing the record of the meeting with the neighbours to the requester would make it harder to conduct and conclude the negotiations with the neighbour. Withholding was therefore necessary to enable the Council to carry on negotiations with the neighbour, without prejudice or disadvantage. The Chief Ombudsman

did not consider that the need to withhold the information was outweighed by the public interest in release.

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