

Public Excluded Meetings and Workshops Policy



Approved by:	Timaru District Council
Group:	Corporate
Owner:	Democracy Services Lead
Date adopted:	21 November 2025 The policy becomes effective immediately upon adoption, unless otherwise specified
Review:	Every 3 years aligned to the local authority election cycle, or as deemed necessary This Policy does not cease to have effect because it is due for review, or being reviewed
Consultation:	Required to give effect to s82 of the LGA 2002
Policy Type	Internal Operational

Policy Purpose

1. The purpose of this policy is to:
 - (i) increase the transparency and accountability of the Council's decision-making process, in line with the principles of open and best practice governance and statutory requirements; and
 - (ii) establish a clear operating framework to ensure Council meets both the community's expectations and its legal requirements of accountability and transparency when considering whether a matter should be heard or considered in a public excluded session; and
 - (iii) uphold the community's trust and confidence in Council's decision-making processes and continuously build greater community awareness and participation in the democratic functions and decision-making processes of Council.

Background

2. As part of Council enabling democratic local decision-making and action by, and on behalf of, communities and promoting the social, economic, environmental, and cultural well-being of its communities in the present and for the future¹, it has a legal obligation to conduct its business and meetings in an open and transparent manner ensuring compliance with both the statutory obligations and intent of the Local Government Official Information and Meetings Act 1987 (LGOIMA).
3. Openness and transparency in Council's decision-making processes and in the conduct of its business ensures greater public confidence and democratic participation in the decisions of Council. It also enables Council to explain and be accountable for the consequences of the decisions it makes on behalf of the community it represents.
4. LGOIMA, along with guidance from the Ombudsman, provide direction on how Elected Members (EMs), Independent Members and Officers can achieve Council's objective of

¹ Refer section 10 Local Government Act 2002

open and transparent governance. The Policy provides greater detail and guidance on how to implement the Fundamental Principle of openness and transparency.

Fundamental principles

5. Fundamental Principle 1: To support the open and transparent conduct of Council's business in a manner that is consistent with and complies with the preamble to LGOIMA, which states as follows:

An Act to make official information held by local authorities more freely available, to provide for proper access by each person to official information relating to that person which is held by local authorities, to provide for the admission of the public to meetings of local authorities, to protect official information held by local authorities and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy, and to establish procedures for the achievement of those purposes

6. Fundamental Principle 2: All meetings and workshops of Councils will be held in open session where members of the public and the media are invited to attend, unless there is good and specific reason to exclude the public and their exclusion is permitted by law.

Scope

7. The Policy applies to:
 - (i) Council's Elected Members; and
 - (ii) Independent members who are appointed by Council to sit as members of various Council committees, such as the Audit and Risk Committee; and
 - (iii) Council Officers; and
 - (iv) Council Controlled Organisations, their directors and officers when attending meetings or workshops.

Policy structure – two parts

8. The Policy is divided into two parts. Part 1 deals with Public Excluded Meetings and Workshops. Part 2 deals with Recording and livestreaming of meetings and workshops. The Policy shall also be read in conjunction with the Council's Code of Conduct for Elected Members, its Standing Orders and the Ombudsman's Guidance referenced above.

Part 1

Definitions

9. In the context of Part 1 of the Policy the following definitions apply:
10. Council: refers to Timaru District Council, its Committees, Subcommittees and Community Boards.
11. Elected Members (EMs): the Mayor, Councillors and Community Board Members.

12. Independent Members: unelected persons appointed by Council to sit on its Committees to support EMs in their decision making by bringing independent and expert perspectives.
13. Meeting: as defined in the Local Government Official Information and Meetings Act 1987 (LGOIMA).
14. Officers: employees of Council, contractors and advisors presenting to a meeting or a workshop.
15. Public: includes bona fide members of the media.
16. Public excluded session: refers to a meeting, or part of a meeting, of Council that is heard in a public excluded session pursuant to section 48 of LGOIMA.
17. Workshop: an interactive session for EMs, independent members and officers to introduce ideas and concepts, and to facilitate information exchanges in an environment which is not a meeting and where no decision is made. For the avoidance of doubt, this policy considers briefings to be a form of workshop.

Policy Statements

Meetings

18. The default position is that all meetings of Council will be open to the public.
19. Meetings, or part of a meeting, may only be held in a public excluded session where permitted by LGOIMA and where Council has recorded its reasons for the public exclusion with the requisite particulars and details in compliance with LGOIMA. Providing a forum for free and frank discussion is not a basis for holding a meeting or item in a public excluded session.
20. LGOIMA provides the statutory test for excluding the public from a meeting and the procedure that must be followed to exclude the public from a meeting, or part of a meeting.
21. In accordance with LGOIMA consideration of whether a meeting or an agenda item should be held in a public excluded session must be debated when the meeting is open to the public, and the decision is also to be formally recorded when the meeting is open to the public.
22. Consideration of whether a meeting, or part of a meeting, should be held in a public excluded session must consider also whether there are any countervailing public interest considerations which favour hearing the material in an open session. The record of the meeting should record this consideration and why the determination on the application of the public interest was made in the manner that it was so made.
23. The decision on whether a meeting, or a part of a meeting, should be held in a public excluded session, rests solely with the voting members of the body considering the matter.
24. Where a decision of Council is made in a public excluded session, the resolution on the item must, where practicable, state expressly what can be released to the public and in what timeframe.
25. Council can select from the following four options when resolving what information to release from a decision made in a public excluded session:

- (i) Release in entirety (including the agenda item and decision), either immediately or at a specific date; or
 - (ii) Partially release with parts redacted, and review in six months time; or
 - (iii) Not release any information, and review in six months time; or
 - (iv) Not release any information permanently.
26. Where Council is unable to immediately release to the public some or all of the decision and material considered in the public excluded session or set a specific timeframe for its complete release, the Mayor and Chief Executive are delegated the authority to subsequently review and jointly agree, six months after the date of the meeting, whether it is appropriate for some or all of the report and resolutions to be released.
27. If the Mayor and the Chief Executive cannot reach a joint agreement, the matter will be brought back to Council (or, if it was a Committee, Subcommittee or Community Board that considered the matter originally, then that respective body) for its further consideration.
28. The Mayor and Councillors reserve the right to overrule any decision made by a Committee, Subcommittee or Community Board regarding the release of information from a public excluded session.
29. Council acknowledges there may be occasions where it is appropriate that the decision and/or material is to remain public excluded for an extended or indefinite period of time and that LGOIMA contemplates this, such as when it involves the privacy and or safety of a person. In such circumstances Council must resolve and record with particulars why the matter is to remain in public excluded for an extended or indefinite period of time.
30. Requests for the minutes, reports or other material presented at a publicly excluded meeting or item must be dealt with as a LGOIMA request and in accordance with LGOIMA and the Ombudsman's guidance on requests for information.
31. Each individual LGOIMA request to any such information must be assessed on its own merits each time a request is received. The Mayor and Chief Executive jointly hold a delegation to determine whether to approve or decline to release the requested information in whole, or redacted in part, in response to a LGOIMA request.
32. Officers will provide regular reporting (normally as an agenda item at each ordinary meeting) to Council on items released from public excluded and if released in part will specify which parts are released and which remain excluded and the legislative provisions under which the material remains public excluded.

Workshops

33. The default position is that Council's workshops will be open to the public and the media. As with meetings, providing a forum for free and frank discussion is not a basis for holding a workshop or workshop item in a public excluded session.
34. Workshops can be held for a variety of reasons and provide an opportunity for EMs and Independent Members to meet with Officers outside of the decision-making process to be briefed, provided information, explore options and engage in question and answer sessions.

35. A workshop is a session held for the reasons set out in the definitions and no decisions can be made or resolutions passed.
36. The test to be followed for determining whether a workshop, or part of a workshop, can be held in a public excluded session is the same test as is applied by LGOIMA for holding a meeting or part of a meeting in a public excluded session.
37. Consideration of whether a workshop or part of a workshop is to be held in a public excluded session must be debated and the decision formally recorded when the workshop is open to the public.
38. Where a workshop, or part of a workshop, is held in a public excluded session, consideration must be given at the conclusion of the public excluded session to what material can be released to the public and in what timeframe.
39. Where Council is unable to release to the public all of the workshop material considered in the public excluded session, it will follow the same procedures as is adopted for meetings and as set out earlier in this policy in relation to meetings.
40. Council acknowledges there may be occasions where it is appropriate that material is to remain public excluded for an extended or indefinite period of time, such as when it involves the privacy and or safety of a person. In such circumstances, Council must record with particulars why the matter is to remain in public excluded for an extended or indefinite period of time.
41. Requests for the minutes, reports or other material presented at a publicly excluded workshop must be dealt with as a LGOIMA request and in accordance with the Ombudsman's guidance.
42. The requirements that apply for notifying a meeting will inform the principles for notifying a workshop; that is the workshop will be publicly notified as soon as practicable and the material made publicly available once it has been prepared and ready for presentation to the workshop.

Role of EMs, Independent Members and Officers

43. EMs and Independent Members as the governing body must make the decision on whether a meeting or workshop is to be in a public excluded session.
44. EMs and Independent Members must bring an open mind to the consideration of whether a matter for a meeting or a workshop is to be considered in a public excluded session.
45. EMs and Independent Members must be particularly alert to the risk of a conflict of interest, or perceived conflict of interest, when considering whether a matter should be heard in a public excluded session.
46. Where an EM or an Independent Member identifies a conflict of interest, or a perceived conflict of interest it must be declared and managed in accordance with the relevant provisions in the Local Authorities (Members' Interest) Act 1968 and as required by the Code of Conduct for Elected Members.
47. Identifying and declaring conflicts of interest, or perceived conflicts of interest, must be recorded in the minutes of the meeting and in the written record of the workshop.
48. The role of Officers is to advise EM's on the reasons why, and why not, a meeting, or item on the agenda of a meeting, should be considered in a public excluded session. This

includes providing advice to EM's as to whether there are any countervailing public interest reasons which might favour having the material considered in an open session.

49. To support the decision of the EMs and Independent Members on whether a matter is to be heard in a public excluded session, Officers are to provide professional and impartial advice to EMs and Independent Members in a manner consistent with the responsibilities applying to the Public Service set out in the Public Service Act 2020².

Compliance with the Public Records Act 2005 (PRA)

50. At a meeting or workshop of Council the minutes along with any reports and material presented or created constitute a public record and must be managed in accordance with the statutory requirements of the PRA and LGOIMA.

Part 2

51. This part of the Policy deals with audiovisual recording and livestreaming of meetings and workshops.
52. To support the fundamental principles of the Policy, Council provides a number of mechanisms for attendance and participation at its meetings and workshops.
53. Council acknowledges that in addition to attendance in person, audio visual livestreaming and recording offers the best range of options for attendance at its meetings and workshops. Council also acknowledges there are technical and resourcing constraints that makes livestreaming and recording of all meetings and workshops in all instances challenging. Given the challenges of universal livestreaming and recording, Council acknowledges a heightened obligation to ensure it actively facilitates participation where attendance via livestreaming and/or recording is not available.
54. The Policy sets out below how Council intends to prioritise recording and livestreaming of its meetings and workshops.

Definitions

55. In the context of Part 2 of the Policy the following definitions apply:
56. Committees: refers to Committees and Sub-committees created by Council
57. Community Boards: refers to the Community Boards of the Timaru District Council
58. Council: refers to the Timaru District Council

Policy Statements

Recording and livestreaming of meetings and workshops

59. Meetings of Council, the Audit and Risk Committee, the Strategic Planning Committee, the Development and Growth Committee and the Projects and Procurement Committee are to be livestreamed and recorded. A copy of the recording is to be made publicly available.

² Section 12 Public Service Act 2020; public service principles are politically neutral, free and frank advice, merit-based appointments, open government, and stewardship.

60. Workshops of Council Council, the Audit and Risk Committee, the Strategic Planning Committee, the Development and Growth Committee and the Projects and Procurement Committee must be audiovisually recorded where they are not able to livestreamed. Any livestreaming of a workshop must also be recorded, and the recording of the workshop must be made publicly available.
61. It is the role of Officers to ensure that an adequate record of a meeting or workshop is made, and to make it publicly available immediately. If that is not possible for technical reasons in a particular case, then a publicly available record should be made available as soon as is reasonably possible. It is the role of the governing body to approve the faithful representation of its meetings and workshops.

Recording and livestreaming of other Committees, and Community Board meetings and workshops

62. Meetings of other Committees and Community Boards will be livestreamed and recorded where it is practicable to do so. Any livestreaming of a meeting must also be recorded, and any recording of the meeting must be made publicly available.
63. Regardless of whether a livestreaming or recording of a Committee or Community Board meeting is available, minutes that provide a faithful representation of the meeting and that comply with LGOIMA will be kept and made publicly available.
64. Workshops of other Committees and Community Boards will be livestreamed and recorded where it is practicable to do so. Any livestreaming of a workshop must also be recorded, and the recording of the meeting must be made publicly available.
65. Workshops of other Committees or Community Boards will not be minuted if an audiovisual recording is taken and made publicly available. Associated supporting material will be provided on the Council website. However, where livestreaming or recording of a Committee or Community Board workshop is not available, minutes, along with any material presented, that provide a faithful representation of the workshop discussion will be kept and made publicly available.
66. It is the role of Officers to ensure that an adequate record of a Committee or Community Board meeting or workshop is made, and to make it publicly available immediately. If that is not possible for technical reasons in a particular case, then a publicly available record should be made available as soon as is reasonably possible. It is the role of the Committee or Community Board to approve the faithful representation of its meetings and workshops.

Compliance with the Public Records Act 2005 (PRA)

67. At a meeting or workshop of Council, Committees and Community Boards the recording, minutes along with any reports and material presented or created constitute a public record and must be managed in accordance with the statutory requirements of the PRA and LGOIMA.

The following applies to both parts of the Policy.

Monitoring

68. This policy will be monitored annually as part of Council's Policy Monitoring Framework.
69. Indicators of whether this policy is achieving its stated purposes include:

- (i) The extent of alignment between the policy, Ombudsman guidance, and relevant legislation.
- (ii) Whether public excluded information is being managed and, where appropriate, released in line with the policy.
- (iii) Whether meetings and workshops are being recorded and distributed in line with the policy.
- (iv) The achievement or non-achievement of relevant non-financial performance indicators as recorded in the Annual Report.
- (v) Feedback from internal or external stakeholders, including data captured during the Residents Survey.
- (vi) Recommendations from internal or external audits.

Reporting

70. A summary of the performance of this policy will be reported to Council as part of the six-monthly Policy Update (when new information is available).

71. Full performance and monitoring data will be made available to Councillors when available.

Delegations, References and Revision History					
Delegations Identify here any delegations related to the policy for it to be operative or required as a result of the policy					
Delegation Manual reference		Delegation			
3.1.1(c)		Delegation for the Mayor and Chief Executive to jointly determine whether to release public excluded information			
References Include here reference to any documents related to the policy (e.g. operating guidelines, procedures)					
Title		Document reference			
Ombudsmen guidance for processing requests and conducting meetings		https://www.ombudsman.parliament.nz/resources/lgoima-local-government-agencies-guide-processing-requests-and-conducting-meetings			
Revision History Summary of the development and review of the policy					
Revision	Owner	Date Approved	Approval By	Next Review	Doc Ref
1	Strategy and Corporate Planning Manager	13 February 2024	Council	February 2027	#1647368
2	Democracy Services Lead	28 October 2025	Council	At the commencement of the 2028-31 triennium	#1795048

2.1	Democracy Services Lead	21 November 2025	Chief Executive, on delegated authority; to reflect changes to the Council Committee structure resolved at the 4 November 2025 Council meeting (refer memo #1808246)	At the commencement of the 2028-31 triennium	#1804315
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