

Definitions and Operating Rules for Non-Decision-making events effective from February 2024

As part of a new consistent approach to the Meetings Schedule in 2024, Waitaki District Council resolved at its 12 December 2023 Council Meeting to confirm new definitions and operating rules for non-meetings related events/activities. This is part of the Governance Review process that was undertaken in 2023 and our response to the recommendations of the Chief Ombudsman's report on his investigations into the meetings and workshops of eight other local councils.

Waitaki District Council has adopted the following specific definitions for the range of other events/activities that are held as part of the business of Council, but which are not formal meetings where all decisions are made. The definitions and operating rules that will apply for each of these other events/activities are stated below.

Waitaki District Council's approach

The Local Government Official Information and Meetings Act (LGOIMA) 1987 Section 45 defines what a meeting is and is not, including *"that any meeting of a local authority or of any committee or subcommittee of a local authority, at which no resolutions or decisions are made is not a meeting"*.

As all the activities set out in the following sections accord with the "not a meeting" definition above, they will not be considered "meetings" of Council/Committees/Sub-Committees/Community Boards, and Council will have the discretion under law about how it deals with such activities. As the Ombudsman highlighted in his report, Councils have discretion to decide whether or not to hold events that are not meetings in public.

The following definitions were adopted by Waitaki District Council on 12 December 2023 and will take effect from the commencement of the meetings cycle in February 2024.

a) Workshops (WRK)

Definition:

"Workshops are an informal forum for staff to bring items to inform Elected Members which, if undertaken at a Council, Committee or Community Board meeting, due to them being work in progress or under development, could inappropriately take a significant amount of time and therefore restrict other business from being transacted, and be premature in that they are not in a position to be decided upon.

Workshops cannot make decisions. They can allow Elected Members to give guidance to staff (for example, to request a report covering various options; to identify areas that may have been missed by staff for which Elected Members require more information before they can make an informed decision at a future Council Meeting; or to put forward any political points of view that may need to be considered when a matter comes to a meeting for a decision of Council).

There are no legal requirements relating to a quorum at a workshop and Standing Orders do not apply."

Operating rules for “workshops”:

- i. Workshops will be listed on the public calendar of events.
- ii. They will be open to members of the public to attend unless they fit the criteria for public exclusion.
- iii. A summary record will be kept of the feedback provided at and the outcomes of workshops.
- iv. Information relevant to the workshops, such as cover notes, memoranda, and presentations, will be available on the Council’s website unless the workshop is public excluded.

b) Council as Employer (CaE)

Definition:

“Activities in which the Council is acting as employer – managing and supporting its Chief Executive. These are not decision-making. They can inform the content of reports to formal meetings of the Chief Executive Employment Sub-Committee and of Council.”

Operating rules:

- i. “Council as Employer” activities will be closed to the public and any person other than Members of the Chief Executive Employment Sub-Committee and the Chief Executive unless otherwise agreed.
- ii. Any papers and records related to “Council as Employer” activities are employment matters covered by privacy laws and requirements.
- iii. “Council as Employer” activities will not be listed on Council’s website.

c) Engagement and Liaison (E&L)

Definition:

“Activities to engage with Council Controlled Organisations, stakeholders, and partner organisations and to share information between the Council and other organisations. These activities are not decision-making, and any reporting and decision-making in respect of CCOs and partnerships rests with Council.”

Operating rules:

- i. “Engagement and Liaison” activities will be closed to the public and any person other than those specifically invited and those Members appointed by Council to represent them.
- ii. “Engagement and Liaison” activities will not be listed on Council’s website.

d) Briefings (BRF)

Definition:

“Activities aimed at updating Elected Members on progress with agreed Council business or providing information on matters ahead of workshops or Council Meeting items. Such activities may take place at a Council building or be at another relevant location such as a site visit. Briefings are not decision-making events. Elected Members may ask questions, seek clarification, ask for additional information, and express opinions. All decision-making rests with Council at formal Council Meetings.”

Operating rules for “Briefings”:

- i. “Council Activity Updates (CAU) and Portfolio Updates (the latter to be new in 2024) which are held quarterly and update the Governance Team on service delivery and project progress, will be held in public and livestreamed.
- ii. All other “Briefings” will normally be closed to the public unless otherwise agreed by the Mayor and Chief Executive that there is overwhelming public interest in holding them in public.
- iii. It will be determined on a case-by-case basis whether briefing papers, presentations etc will be added to the Council website, with the presumption in favour of placing them there unless there is a public, commercial or privacy interest in not releasing the information.
- iv. “Briefings” will be listed on the Council’s website.

e) Portfolio Discussions (PTF)

Definition:

“Activities aimed at ensuring designated Portfolio holders are briefed and informed of issues and progress within their portfolio. Such activities may take place at a Council building or be at another relevant location, such as a site visit. Portfolio discussions are informal, and they are not decision-making. All decision-making rests with Council at formal Council Meetings.

Portfolio holders may offer community and political perspectives on matters to assist with the preparation of matters for consideration by Council.”

Operating rules for “Portfolio discussions”:

- i. Portfolio discussions will be closed to the public.
- ii. They will not be listed on Council’s website.

f) Training and Induction (T&I)

Definition:

“Activities aimed at developing the skills and knowledge of Elected Members or at inducting them into the organisation and the workings of local government. These are not decision-making events. Instead, they aim to provide Elected Members with the skills, tools, and knowledge to fulfil their roles, which may include the process of decision-making. However, Elected Members may ask questions, seek clarification, ask for additional information and express opinions.”

Operating rules for “Training and Induction” activities:

- Training and induction activities will be closed to the public.
- Where they are provided for the whole Council or Community Board, they will be listed on Council’s website.