

Local Authority cannot call ‘workshop’ a meeting for purposes of LGOIMA

Legislation	Ombudsmen Act 1975, Local Government Official Information and Meetings Act 1987
Agency	Local authority
Ombudsman	Brian Elwood
Case number(s)	C5807
Date	2003

Council Workshop—decisions not formally made—requirements of the Act cannot be avoided by calling a meeting a workshop—Local Government Official Information and Meetings Act 1987, s 45(1)

A territorial authority took a decision at a ‘workshop’ to contract out the preparation of its District Plan. No record was kept of the decision and the decision to contract out was the subject of a complaint. The issue raised by the investigation related to the procedures and action which followed from what was perceived to be a misconception on the part of the Council of what constitutes a ‘meeting’ for the purposes of Part VII of the *Local Government Official Information and Meetings Act 1987* (LGOIMA).

Decisions cannot be made in accordance with the Act when they are made outside the context of a properly constituted meeting. If decisions are made at non-deliberative meetings the public notification and public conduct requirements of the LGOIMA are circumvented. The requirement of s 45(1) of the LGOIMA cannot be avoided simply by calling what falls within the definition of “meeting” in that Act by a different name.

The conduct of the workshop appeared to be contrary to law. The complaint was resolved by the Council agreeing to advise all its Councillors and staff of the requirements of the LGOIMA.

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