

Meeting and workshop practices at

Rangitīkei District Council

 **Ombudsman**

Tuia kia ōrite • Fairness for all

October 2023



Final opinion of the Chief Ombudsman

Meeting and workshop practices at Rangitikei District Council

Te Kaitiaki Mana Tangata Aotearoa | The Ombudsman New Zealand

October 2023

ISBN: ONLINE 978-1-7386148-5-1 PRINT 978-1-7386148-4-4

“The unique aspects of the PĪTAU-A-MANAIA and PANEL Logo have been carefully carved by digital whakairo at Ariki Creative in Otautahi, Taane Flanagan, for the exclusive use for the Office of the Ombudsman. All copyright and trade mark rights in the PĪTAU-A-MANAIA and PANEL Logo are owned by the Chief Ombudsman and authorised for use by the Office of the Ombudsman”.

All text and images copyright © Office of the Ombudsman 2023.

All rights reserved. This work is licensed under the Creative Commons Attribution 4.0 International License. To view a copy of this license, visit <https://creativecommons.org>

Contents

Terminology	ii
My opinion	1
Summary	3
Leadership and culture	3
Local authority meetings	3
Workshops	4
Organisation structure, staffing and capability	5
Leadership and culture	6
My expectations	6
An internal culture of openness	6
Local authority meetings	7
My expectations	7
Excluding the public from meetings	9
Schedule 2A form	12
Recording the decision making process	13
Resources and training	15
Workshops	17
My expectations	17
Workshops at the Council	18
Opening and advertising workshops	20
Keeping records of workshops	22
Guidance and training	23
Organisation structure, staffing and capability	25
My expectations	25
Resilience at the Council	25

Terminology

- Rangitīkei District Council (the Council) - when I use the term 'the Council' this primarily relates to the operational arm of the organisation, unless the context suggests otherwise. When I am referring to the governance function, I use the term 'elected members'.
- [InfoCouncil](#) – An automated local government meeting workflow system used by the Council to manage its processes for report writing and approval; agenda compilation; publishing; minute compilation and minute taking; and actions creation, tracking and reporting.
- A key aspect of information gathering involved seeking information from the Council via a questionnaire. I refer to this throughout my report as 'my questionnaire'.
- Surveys of staff, elected members and the public were undertaken, these are referred to as my 'staff survey', 'elected member survey' or 'public survey'.
- Staff and elected member meetings were a part of information gathering. I refer to the people attending these meetings as 'staff meeting attendees' or 'elected member meeting attendees'.

Legislation referred to in this report

- [Local Government Act 2002](#) (LGA)
- [Local Government Official Information and Meetings Act 1987](#) (LGOIMA)
- [Ombudsmen Act 1975](#) (OA)
- [Public Records Act 2005](#) (PRA)

My opinion

As Chief Ombudsman, I have been tasked by Parliament to monitor agencies' Official Information and meeting practices, resources and systems. I have jurisdiction to investigate *'any decision or recommendation made or any act done or omitted'*¹ by a local authority.² One way I do this is by undertaking targeted investigations and publishing reports of my findings.

LGOIMA is an important tool for fostering transparency and accountability in local government. It allows people to request information held by local authorities, it provides a right to complain to the Ombudsman in certain circumstances, and it has provisions governing the administration of local authority meetings. This investigation was focused on Councils' compliance with the meetings provisions in the LGOIMA, and their practices around meetings and workshops. Without timely access to the information discussed in workshops and meetings, the ability of New Zealanders to participate in the democratic process is reduced.

I announced this investigation in August to test concerns raised in the media, and by the public, about councils using workshops to discuss issues and make decisions behind closed doors. In addition, the investigation looked at the councils' general approach to notifying and organising meetings, and their use of reasons in the LGOIMA to exclude the public from meetings. I was also concerned about the quality of record-keeping during informal workshops.

Rangitīkei District Council (the Council) is one of eight councils that was selected for this investigation. The councils represent a cross section of different types of local authorities. This report sets out my opinion on how the Council is meeting its obligations under part 7 of the LGOIMA, particularly in relation to council meetings. It also considers the Council's obligations to adhere to the purposes and principles of the LGA and the LGOIMA in relation to workshops, briefings and informal meetings.³

I have identified a number of practices that are going well for the Council. It is evident that the Council has ensured staff and elected members understand, as per the LGOIMA, that an actual and effective 'decision' can only be made at a formal council meeting and not a workshop. Further, during the course of this investigation the Council opened its workshops to the public and these are now listed on its website. I am also impressed by the Council's positive internal culture of openness.

¹ Pursuant to section 13(1) and 13(3) of the Ombudsmen Act 1975.

² 'Local Authority' in the context of this investigation refers to all City, District and Regional Councils referred to in Part 3 of Schedule 1 of the Ombudsmen Act 1975.

³ Any organised or scheduled meeting attended by Council staff and elected members which fall outside the definition of 'meeting' in section 45(1) of the LGOIMA.

I have identified a number of areas of improvement, which have resulted 19 suggested action points. The Council has accepted the action points, which are detailed below.

Peter Boshier
Chief Ombudsman

27 June 2023

Summary

Leadership and culture

The Council has a positive internal culture and staff consider leaders to be committed to openness in meetings and workshops. I am pleased that 97 percent of staff survey respondents said the Council is strongly or moderately committed to openness and public participation.

Local authority meetings

Although the Council has a strong culture of openness, I consider it would benefit from making a number of improvements to its meeting practices. While elected members noted they had no concerns about the advice they received on public excluded meetings, a number of public survey respondents expressed concerns about the lack of detailed notes on excluding the public. There may also be a perception that 'commercial sensitivity' is over used as a ground for excluding the public.

While the recording of resolutions on public excluded meetings were generally consistent with the requirements of Schedule 2A of LGOIMA, there was no plain English reason for passing the resolution included in the records reviewed. I encourage the Council to include this information in the Schedule 2A form, including public interest considerations where applicable under LGOIMA. This may go some way to alleviate public concerns about overuse of certain grounds to exclude the public from meetings.

I was concerned that the Council has historically incorrectly used 'free and frank expression of opinion' (s7(2)(f)(i) of the LGOIMA) as a ground for excluding the public from meetings. Section 48(7)(a)(i) of LGOIMA expressly states that 'free and frank expression of opinion' cannot be used as good reason to exclude the public from meetings. The Council corrected the error prior to my investigation when staff identified it, and changed the template it uses to capture advice to elected members, which is pleasing. However, some staff noted this correction has not been communicated widely. I suggest the changes made to ensure that 'free and frank expression of opinion' is not used is communicated to staff throughout the organisation and supported by training.

I am concerned that the reviewed meeting records did not include any documented reference of consideration of the public interest test, which is required under section 7(1) of the LGOIMA. A number of meeting attendees said a broader notion of 'public interest' is considered, but I suggest the public interest test is actively considered and an adequate record kept. An additional opportunity for improvement is to review public excluded material to consider it for future public release on a regular basis and formalise the process. The Council releases some information only on an ad hoc basis.

A number of staff meeting attendees said the Council does not keep records of its internal deliberations and reasoning behind advice to conduct meetings in public excluded. It is important that a full record of the Council's decision making process is kept. I consider measures should be implemented to ensure comprehensive records of decision making

processes on public excluded meetings are kept. In addition to ensuring compliance with the PRA, maintaining sound record keeping disciplines promotes transparency and openness, and improves business practices in general. The Council should update its guidance on record keeping and deliver record keeping training.

Apart from Standing Orders and templates, the Council has no internal written guidance or training materials to guide staff on the administration of Part 7 of the LGOIMA. I strongly encourage the Council to implement targeted and regular LGOIMA training for staff and elected members covering issues such as reasons to exclude the public from meetings, proper application of the public interest tests, and minute taking. My Office is available to provide training and to review any guidance and training material developed by the Council.

Workshops

I am pleased the Council has recently opened its workshops to the public and they are listed on the website. While some staff and elected members expressed reservations about opening workshops, others said it aids public understanding of the decision making process. Both staff and elected members are clear that workshops are not forums for actual and effective decision making. While it is ultimately the Chief Executive's responsibility to ensure that decisions are made only in meetings, all attendees should be encouraged to speak up if they are concerned elected members are straying into decision making.

Some staff noted that public attendance at workshops was low. I suggest that the Council clearly advertise workshops to the public. Further, if workshops are closed to the public, the public should be aware of when the workshop is happening, the topic(s) it covers and the reason(s) as to why the workshop is closed.

While the Council's Standing Orders state that notes may be taken at workshops and subsequently made available on the website, record keeping of workshops lacked consistency and detail. I strongly suggest the Council adopts a standard practice to comprehensively record workshops, including a summary of discussions. The Council should review its Standing Orders to ensure they comply with the Public Records Act (PRA). I encourage the Council to seek advice from Archives New Zealand, the regulatory stewards of the PRA, to ensure practices (including its Standing Orders) are compliant.

I encourage the Council to publish its workshop records, along with any other workshop materials, on its website. The Council may also wish to consider live streaming or audio recording workshops to provide the public with further context and understanding of the issues elected members are considering. The Council's Standing Orders provide some guidance to staff on workshops, but I consider they lack sufficient detail. The Council's guidance should be expanded, incorporating my suggestions. Training should also be provided to elected members and staff reflecting the updated guidance.

Organisation structure, staffing and capability

I suggest the Council consider its organisational resilience arrangements. I am concerned the Council relies on institutional knowledge and expertise held only by a few key individuals. There is a risk that when those staff members are away or leave the Council, their institutional knowledge is lost. This risk is amplified in a small council. Over-reliance on a small number of staff, combined with a lack of formal training and guidance increases the Council's risk of non-compliance, particularly on the correct application of the law to exclude the public from meetings and workshops.

I appreciate that smaller councils' resources are limited so I encourage the Council to take advantage of its wider networks in order to share and develop good resources and training. Ensuring additional staff gain LGOIMA knowledge would be of benefit, as well as investing in regular LGOIMA training and guidance material. In addition, my Office is available to provide training and review any of the Council's training and guidance material.

Leadership and culture

My expectations

Achieving the purposes of the LGOIMA depends significantly on the culture of a council, and the attitudes and actions of its leaders. Elected members, chief executives and senior managers should take the lead in developing an environment that promotes openness and transparency. This environment should champion positive engagement with those who want to know and understand what work the Council is doing. It should also enable compliance with the principle, purposes and provisions of the LGOIMA and the LGA.

Councils' senior leaders must role model open and transparent behaviour by ensuring that Council practices and processes around conducting meetings and workshops are transparent, and promote accountability. They should also demonstrate clear knowledge and support of the requirements of the LGOIMA. It is my expectation that council Chief Executives make clear, regular statements to staff and stakeholders in support of the principle and purposes of official information legislation, reminding staff of their obligations. Consistent, clear messaging and behaviours communicate a real expectation that the Council is committed to openness and transparency.

An internal culture of openness

The attitudes of senior leaders are crucial in promoting a culture that supports compliance with the LGOIMA and facilitates openness and transparency in a council.

As part of my investigation, I conducted a survey of staff about leaders' attitudes to promoting openness in meetings and workshops.⁴ I was pleased to note that, of those who responded, 97 percent said the Council was strongly or moderately committed to openness and public participation.⁵

Staff impressions of the Council's overall commitment to a strong culture of openness and public participation, in Meetings and workshops.

Strongly or moderately pro	Silent or I don't know	Strongly or moderately anti
97%	3%	0%

Further, 93 percent of staff survey respondents said communications from the Chief Executive were strongly or moderately supportive of openness and transparency.⁶

Examples of staff survey respondents comments on the Council's culture include:

⁴ I received 30 responses to this survey.

⁵ Numbers have been rounded to the nearest percentage. Three percent indicated that the Council was silent or did not know.

⁶ Seven percent said the Chief Executive was silent or they did not know.

RDC [the Council] strive to be transparent...

Council have an open culture that encourages constructive feedback, particularly on continuous improvement initiatives.

Council consider[s] it important to have transparent debate and discussion open to the public.

Overall, I applaud the Council for this positive culture, while noting openness is an ongoing journey. A respectful relationship between elected members and council staff aids good decision making and helps with the smooth running of the Council.

Local authority meetings

My expectations

One of the purposes of the LGOIMA is to ‘*promote the open and public transaction of business at meetings of local authorities*’ in order to enable effective public participation in decision making and promote accountability.⁷

Part 7 of the LGOIMA regulates council meetings where decisions or resolutions are made. Councils’ Standing Orders and the Local Government Act 2002 (LGA) also regulate aspects of some meetings. The key requirements of Part 7 are:

- every local authority must publicly notify all ‘meetings’ that are scheduled to take place each month, but failing to do so does not invalidate any meeting;⁸
- agendas and reports are publicly available at least two days in advance;⁹
- meetings are open to the public, unless there is good reason for excluding them;¹⁰ and
- minutes of a meeting must be made accessible to members of the public.¹¹

Workshops are not regulated by Part 7 of the LGOIMA, but there are other principles which govern their administration (see [Workshops](#) for further details).

Meeting minutes should represent a full and accurate record of the content of local authority meetings. It is my expectation that minutes should record not just the final decision taken by elected members, but details of any debate or discussion preceding and informing the decision. In addition to aligning with principles of openness and accountability, recording the content of discussion and debate is a safeguard against any perception that decisions have

⁷ See s 4(a) LGOIMA

⁸ See s 46 LGOIMA

⁹ See s 46A LGOIMA

¹⁰ See s 48 LGOIMA

¹¹ See s 51 LGOIMA

been taken prior to the meeting, and are merely being ‘rubber stamped’ in the meeting setting. Though it is not a legislative requirement, I consider it is a matter of good practice, in the interest of accountability, to record the names of elected members who voted ‘for’ and ‘against’ a resolution.

Where good reason exists to exclude the public from a meeting, this must be effected by way of a resolution.¹² This may apply to the whole or a relevant part of a meeting. A resolution to exclude the public is a decision made by full council (elected members), with their decision typically being informed by advice given by council staff. In considering how a Council administers meetings, I do not have jurisdiction to consider decisions taken by full council (committee of the whole).¹³ However, in relation to decisions by full council, I can review the reasonableness of any advice provided by officials or employees (on which the decision was based).

Section 48 of the LGOIMA states that a local authority may exclude the public from meetings where good reason exists under sections 6 or 7 of the LGOIMA,¹⁴ though it specifically excludes section 7(2)(f)(i).¹⁵ That is, a council cannot close a meeting to the public to have a ‘free and frank’ discussion.

Councils considering the application of the grounds in section 7(2) of the LGOIMA to exclude the public from a meeting, must also consider the extent of any public interest in the release of the information (the matters to be discussed). For example, there could be a public interest in release (and therefore in the public attending) to promote accountability, transparency and public participation. If there is a public interest in release which outweighs the need to withhold the information, then the ground(s) in section 7(2) of the LGOIMA cannot be relied on as good reason to exclude the public. This weighing of competing interests is known as ‘the public interest test’.¹⁶ It is my expectation that councils weigh the public interest in their decision making on public excluded meetings, and record their considerations. The public interest considerations can be recorded by the Council in the Schedule 2A form discussed below, and I consider it would be beneficial to adopt this practice.

A resolution to exclude the public must be put forward at a time when the meeting is open to the public.¹⁷ In other words, elected members must make the decision to go into a public excluded part of a meeting in front of the public. The meeting is then closed in accordance with

¹² See ss 47 and 48 LGOIMA

¹³ See s 13(1) Ombudsmen Act 1975

¹⁴ ‘Good reason’ to withhold information pursuant to section 7 of LGOIMA exists only where it is necessary to protect an interest as per section 7(2) of the LGOIMA and the need to withhold is not outweighed in the public interest (section 7(1) of the LGOIMA refers).

¹⁵ Section 7(2)(f)(i) allows for information to be withheld where it is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to members or officers or employees of any local authority.

¹⁶ Link to the Office of the Ombudsman’s [Public interest](#) guide

¹⁷ See s 48(4) of the LGOIMA

Standing Orders. The resolution to exclude the public must be made in the form set out in Schedule 2A of the LGOIMA, and must include:¹⁸

- the general subject of any matters to be considered while the public is excluded;
- the reasons for passing a resolution (with reference to particular prejudice relied on); and
- the actual ground in section 48(1) relied on.

The general subject of matters to be considered should be detailed enough give the public a clear sense of the matter being discussed, in the interest of being as open as possible about the work the Council is conducting. I also expect that the reason for passing a resolution should contain specific details about the harm the agency is trying to avoid, rather than simply reciting the clause from section 6 or section 7(2) as it is written in the LGOIMA. Councils can allow for specified people to remain while the public is excluded if they have knowledge that would assist. In that case, the resolution must state the particular knowledge they possess, and how it is relevant to the matter under consideration.

The public can request information heard in the public excluded part of a meeting under the LGOIMA. It is my expectation that Council guidance makes clear that if a LGOIMA request is made for information heard in a public excluded meeting, such a request must be considered on its individual merits and based on the circumstances at the time of the request; it may not be refused under the LGOIMA on the basis the information was earlier heard in a public excluded meeting.

I also consider it is a matter of good practice to ensure there is a process for re-visiting public excluded parts of meetings to determine if any of the information heard in a public excluded part of a meeting can subsequently be released, when the reasons for withholding the information no longer apply.

Finally, it is my expectation that councils will organise their structure and resources to ensure they are able to meet their legal obligations under Part 7 of the LGOIMA, and good administrative practice generally, in a way that is fit for purpose considering their particular size and responsibilities.

Excluding the public from meetings

The decision to exclude the public from whole or part of a meeting ultimately rests with the local authority (or elected members) who are conducting the meeting. The opening words of section 48 of the LGOIMA state that *'a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds'*.

¹⁸ See s 48(3) of the LGOIMA

It is the role of the Chief Executive to provide advice to elected members (the decision makers) on whether there are any grounds to close the meeting to the public.¹⁹ My investigators met with a number of elected members and staff during the course of this investigation. A number of meeting attendees confirmed that decisions regarding excluding the public from meetings are made by the elected members with advice from council staff.

When asked about the quality of advice to elected members, an elected member meeting attendee said they had no concerns about the advice they received on public excluded meetings. Further, they said they could easily dispute advice from staff if they did not agree with it. The Mayor also said he often stated to elected members that they '*absolutely have the right to question the proposed [public excluded] reasons...*'. While these are positive practices, I suggest the Chief Executive also reiterate to elected members that decisions to exclude the public from Council meetings ultimately rests with them.

As outlined in [My expectations](#) above, councils can exclude the public from the whole or part of a meeting on a number of grounds specified in the LGOIMA.²⁰ When asked if staff had any concerns about the Council's practices in relation to meetings under Part 7 of the LGOIMA, a number of staff meeting attendees said they could not recall being in a situation where they thought a public excluded item should have been heard in the open portion of the meeting. The meeting attendees also said if they had concerns, the executive team would hear and consider them.

Staff, elected members and the public were surveyed as part of this investigation. Examples of staff survey responses in relation to public excluded items include the following:

Clear justification is always required and requested by Elected Members...

In general, items as public excluded are genuinely in line with LGOIMA matters...

Agenda items for public excluded items clearly state why it is publicly excluded, and this decision is subject to robust consideration/authorisation as part of the agenda preparation process.

The elected member survey results were also generally positive. When asked about the Council's use of public excluded meetings, approximately 89 percent of elected member survey respondents said the reasons for excluding the public were always clear, robust and in line with the reasons specified in the LGOIMA.²¹

However, a number of public survey respondents raised two main issues with practices around public excluded meetings. These were in relation to a lack of detail around the reasoning on public excluded meetings and a perceived over-use of 'commercial sensitivity' as a public exclusion ground. A sample of relevant comments include:

¹⁹ See s 42(2)(b) of the LGA

²⁰ See s 48 of the LGOIMA.

²¹ Eleven percent of respondents said the reasons for excluding the public were often unclear, or did not align with the reasons specified in the LGOIMA.

... it would be good to see some plain English in there as well. Things need to be explained better. ...

They just use the basic explanation, e.g. privacy, negotiation, commercial activity. It must be possible to give a slightly clearer explanation without breaching the reasons. The 'common' excuse is 'commercially sensitive'...

Too much use of the words 'commercially sensitive'.

The [Council] frequently cites 'commercial sensitivity' as a reason not to disclose decisions to the public. This is concerning when the council is committing significant public funds without adequate disclosure. ...

To gain an understanding of the Council's use of reasons to exclude the public from meetings, my investigators reviewed a number of examples of resolutions to exclude the public. An early review found that the Council had, in the past, excluded the public from meetings citing 's7(2)(f)(i) - Free and frank expression of opinions' as the reason. However, section 48(7)(a)(i) of the LGOIMA specifically states that section 7(2)(f)(i) cannot be used as a good reason to exclude the public from meetings.

I wrote to the Council early in the investigation to raise my concerns. The Council advised that it had already identified and resolved the issue prior to my investigation, by correcting its template in InfoCouncil to align with the requirements of the LGOIMA.²² While I am pleased with this action, a number of meeting attendees said the change was not communicated to staff throughout the organisation.

It is positive that it was picked up by the Council's internal systems. However, I am concerned that an error of this nature took place. It is unclear whether the error was a result of a lack of specialist knowledge, organisational resilience, guidance, training or a combination of all factors. One staff meeting attendee considered the non-compliance stemmed from an over-reliance on templates, stating that '*people sometimes forget to read the legislation*'. I acknowledge templates are a useful tool that enable consistency of practice. However, it is important that templates are supported by guidance and training, especially for those who do not have specialist or legal knowledge.

As discussed in [Resources and Training](#) and [Organisation structure, staffing and capability](#), it is important that agencies reinforce good practice with training and good guidance material. With adequate training and accurate guidance, staff should know enough about the legislation to make correct decisions, and not simply rely on what others have done before them or on incorrect standard templates that have not been reviewed and updated regularly. However, I am pleased that my investigators did not find any practices that were contrary to the LGOIMA in their review of the Council's records, after the InfoCouncil template was corrected.

²² InfoCouncil is a specialist software programme, used by a number of councils and designed for creating meeting agendas and minutes.

Another requirement of the LGOIMA is to consider the extent of any public interest in the release of the information, known as ‘the public interest test’.²³ Ultimately, the public interest balancing question should be assessed by the body conducting the meeting (essentially, the elected members). However, it is reasonable to expect that advice to elected members from staff regarding public excluded items cover countervailing public interests in opening the meeting, where applicable, as this will have to be assessed by the ultimate decision makers.

I am concerned that the reviewed meeting records did not include any reference to consideration of the public interest test. When my investigators asked about public interest considerations during meetings with staff, many meeting attendees referred to a broader notion of ‘public interest’ as a duty to act in the best interests of the public, but not the public interest test required to be performed under section 7 of the LGOIMA (which relate to issues such as accountability, transparency and public participation).

I suggest the Council update its guidance to include instructions for staff to comprehensively record their reasoning when providing advice to elected members on public excluded items. This is discussed further in [Recording the decision making process](#) below.

An additional opportunity for improvement could be conducting a review of public excluded material to consider it for future public release. A number of staff meeting attendees said that some information heard in public excluded meetings is released on an ad hoc basis, but there are no formal processes to ensure that the material is released regularly.

I suggest, as a matter of good practice, the Council develop a formal process to revisit material heard in public excluded meetings to assess whether it may be suitable for release at a later date. This material could include public excluded minutes, memorandums, agendas and reports. An example of how this could occur is that report templates could include a prompt for report writers to consider whether information discussed in public excluded could be released to the public at a later date. This would greatly aid transparency.

Action points

1. Ensure the changes made to the InfoCouncil template in relation to ‘free and frank’ are communicated to staff throughout the organisation.
2. Ensure the public interest in opening a meeting to the public is considered when applying section 7 and an adequate record is kept.
3. Formalise the process of revisiting and considering for release material heard in public excluded portions of council meetings.

Schedule 2A form

The LGOIMA states that ‘every resolution excluding the public from any meeting shall be in the form set out in Schedule 2A’.²⁴ My investigators reviewed a number of schedule 2A forms to

²³ Link to the Office of the Ombudsman’s [Public interest](#) guide

²⁴ See s 48(3) of the LGOIMA

gain an understanding of the reasons to exclude the public from meetings and found some opportunities for improvement. For instance, the Council does not record the reasons for excluding the public in sufficient detail.

When outlining the reasons for hearing an item in the public excluded portion of a meeting, pursuant to sections 6 or 7 of the LGOIMA, the resolutions only include reference to the relevant subsections (along with one or two associated words). It does not provide an explanation of the specific harm in relation to the subsection used. The following excerpt from the Ordinary Council Meeting Minutes of 28 July 2022 outlines the *'reason for passing this resolution in relation to each matter'*:

s7(2)(a) - Privacy

s7(2)(b)(ii) - Commercial Position

s7(2)(h) - Commercial Activities

s7(2)(i) - Negotiations

While the resolutions on public excluded meetings are generally consistent with the requirements of Schedule 2A of the LGOIMA in that the ground under section 48 is included, the plain English reason for passing the resolution is not. I encourage the Council to ensure detailed, plain English reasons for the decisions are included. For example, for section 7(2) of the LGOIMA, council staff should explain in detail why they think it is necessary to exclude the public (in order to prevent harm to the interests recognised by this section) along with the specific harm they are trying to prevent.²⁵

Action point

4. Ensure resolutions to exclude the public from meetings specify the plain English reason for decisions in sufficient detail as required by the form set out in Schedule 2A, including public interest considerations where applicable under the LGOIMA.

Recording the decision making process

It is important the Council keeps comprehensive records of its advice to elected members on decisions to exclude the public, including keeping a record of weighing the public interest in disclosing information against the need to withhold it. Doing so ensures the Council's practices are consistent with sections 17(1) and 17(2) of the Public Records Act 2005 (PRA) which respectively, require the Council to:

- create and maintain a full and accurate record of its affairs in accordance with normal, prudent business practice; and
- maintain records in an accessible form to enable use for subsequent reference.

²⁵ Under section 7(2) of the LGOIMA, it must be necessary to exclude public from a council meeting to prevent harm to the interests recognised by sections 7(2)(a) to 7(2)(j).

A number of staff meeting attendees said the Council does not keep records of its internal deliberations and reasoning behind advice to conduct meetings in public excluded. My investigators requested contemporaneous notes of the decision making process on a small number of sample decisions.²⁶ The Council said it does not keep any formal records on the decision making process, but provided some commentary about why it advised to withhold the items.

It is important that a full record of the Council's decision making process is kept. Ombudsmen have consistently supported maintaining a full audit trail for advice that contributes to decisions made by an agency. I consider measures should be implemented to ensure comprehensive records of decision making processes on public excluded meetings are kept. In addition to ensuring compliance with the PRA, maintaining sound record keeping disciplines promotes transparency and openness, and improves business practices in general. Keeping records of the decision making process will:

- help ensure transparency of decision making by providing a complete and clear record of the reasoning behind advice to elected members;
- provide a reference in case issues around the decision making process arise internally;
- make it easier to respond to the Ombudsman in the event of an investigation or complaint; and
- provides an opportunity to create a repository of knowledge about advice on decisions regarding public excluded, thereby developing a consistent approach.

I encourage the Council to expand its current guidance on record keeping to include clear instructions for staff to record reasoning behind advice to elected members on public excluded matters. This includes taking notes of relevant internal meetings and documenting any verbal conversations held in relation to advice on public excluded meetings. These, and other relevant records (such as emails), must be documented in one discrete, easily accessible place.

I also encourage the Council to include clear instructions for staff to record the Council's reasoning when making decisions on public excluded meetings. The guidance should outline the requirement to apply the public interest test, and should include the following:

- that the public interest test must be considered when relying on section 7(2) of the LGOIMA to hear an item in public excluded; and
- the factors that can affect the weight of the public interest in favour of opening the meeting, including (but not limited to) the following:
 - the level of public interest or debate;
 - the level of any disquiet, speculation or controversy;
 - the extent of information in the public domain;

²⁶ For example notes made by the report writer about the reasons for confidentiality; any discussion noted at an agenda setting meeting; any discussion with legal team about the application of withholding grounds.

- the significance of the issue to the public or the operations of the council;
- the amount of public money involved.

When updating guidance, the Council may wish to refer to my guide titled '*Public interest: a guide to the public interest test*'.²⁷

Updating formal guidance should be accompanied by delivering regular training to relevant staff to reinforce the importance of comprehensive record keeping.

Action points

5. Record the reasoning behind public excluded advice and decisions, including any consideration of the public interest for hearing the item in a public meeting.
6. Update internal guidance on good record keeping to include recording the decision making process on public excluded meetings, incorporating my suggestions.
7. Deliver record keeping training to staff involved in public excluded meetings, emphasising the importance of strong record keeping disciplines.

Resources and training

It appears from the response to my questionnaire that, apart from the report template on InfoCouncil and the Council's Standing Orders, there are no formal training materials or internal written guidance on meetings under Part 7 of the LGOIMA. When asked to describe its guidance on public excluded meetings, the Council said:

Council uses the InfoCouncil programme to produce its agenda and minutes documents. Within InfoCouncil there is the provision to select reasons to exclude the public (both the reference to the section in the Act and also the accompanying words from those sections). Staff that write reports had training on the InfoCouncil programme and the use and appropriateness of the reasons to exclude the public.

... the InfoCouncil programme uses the selected reasons in each report to exclude the public and these are transferred across into the minutes document...

In terms of staff training in the governance and democracy area, the results of my staff survey are of some concern. Approximately 56 percent²⁸ of respondent staff who were involved in the administration of meetings under Part 7 of the LGOIMA indicated they have never received any training on these meetings since working at the Council.

A number of staff meeting attendees said if there is training, it is typically one-on-one, and mostly regarding the use of the report template in InfoCouncil. The meeting attendees also said that the training was delivered on an ad hoc, 'as needed' basis. While many meeting

²⁷ Link to the Ombudsman's [guidance on the public interest test](#)

²⁸ Thirty three percent received training within the last year, and 11 percent more than 4 years ago.

attendees spoke of an external training webinar, it appeared that this session included only a brief overview of meetings under the LGOIMA.

The Council provides regular training to its elected members at the start of each triennium delivering guidance on the Council's Standing Orders. However, a meeting attendee said elected member attendance has been inconsistent, even though it has been encouraged by the Mayor and the Council.

To help ensure future compliance with the LGOIMA, I strongly encourage the Council to implement formal LGOIMA training for staff and elected members, covering issues such as reasons to exclude the public from meetings and proper application of the public interest tests (discussed in [Excluding the public from meetings](#)).

A review of sample meeting minutes indicates that voting divisions are not recorded by the Council. The Council should ensure formal guidance and training cover minute taking and meeting minutes record voting divisions, including the names of elected members who voted 'for' and 'against' the resolutions.

Training should be delivered on a regular basis to enable the Council to keep up to date with any changes in law or guidance around the LGOIMA. The benefits of providing regular training include that it:

- demonstrates leadership from the top;
- ensures officials' understanding and knowledge;
- promotes efficiencies and consistencies in decision making; and
- demonstrates commitment to support and grow the professional development of staff.

My staff are available to assist with developing and/or delivering training on request.

Action points

8. Consider amending minute-taking practices to record, by name, elected members' votes 'for' and 'against' resolutions and include this in guidance.
9. Ensure targeted training on meetings under Part 7 of the LGOIMA is regularly delivered to elected members and select staff; consistent attendance of this training must be strongly encouraged and role-modelled by the Council's senior leaders.

Workshops

My expectations

The LGOIMA does not define or regulate workshops (or other informal meetings)²⁹, but Ko Tātou LGNZ's *The guide to LGNZ Standing Orders* states that workshops are best described as '*informal briefing sessions where elected members get the chance to discuss issues outside of the formalities of kaunihera meeting*'.³⁰ It is common for councils to conduct workshops about complex or technical issues on which elected members will later be required to debate and make decisions.

The purpose of workshops should be to prepare councillors with the appropriate background and knowledge to make robust decisions for their communities, and to allow discussion and deliberation among and between elected members and council staff. Workshops are part of the educative and deliberative phases of councils' decision making process; however, final decisions and resolutions cannot lawfully be made outside the context of a properly notified and constituted meeting.

Because workshops cannot lawfully be used to make actual and effective decisions and are not conducted under the LGOIMA, the legal requirements in the LGOIMA that relate to council meetings—such as requirements to notify the public, to take minutes, and to exclude the public only under certain defined circumstances – do not apply to council workshops. Nonetheless, councils have a general discretion to advertise and undertake meetings that fall outside of Part 7 of LGOIMA in public. While it may be reasonable to close a workshop in a particular case, I consider that a general policy of not advertising workshops or having all workshops closed to the public, is likely to be unreasonable. It is my expectation and a requirement of the LGA that '*...a local authority should conduct its business in an open, transparent and democratically accountable manner...*'³¹

As a matter of good practice, workshops should be closed only where that is reasonable. What might be considered reasonable is a truly open category depending on each individual case, and may include situations where the reasons for withholding information under sections 6 and 7(2) of the LGOIMA might apply, as well as other situations. What is reasonable in a particular case will vary, however the decision to close a workshop should be made on the individual merits of each workshop, rather than being based on a blanket rule.

Even where it is reasonable to close a workshop, I encourage councils to be mindful of the public perception of secrecy this may create, and mitigate this risk through ensuring the public has access to sufficient and timely information about the purpose and content of workshops.

²⁹ For the purpose of this investigation, "workshops, briefings and informal meetings" mean any organised scheduled meeting attended by Council staff and Elected Members which fall outside the definition of "meeting" in s45(1) of LGOIMA.

³⁰ Link to [The guide to LGNZ standing orders](#)

³¹ See s 14 LGA

The legislative history of the LGOIMA makes it clear that there is an expectation that full and accurate records of workshops are kept, and this is also a requirement of the Public Records Act (PRA).³² Keeping full and accurate records of workshops is the safeguard against the perception that decisions are being made outside a local authority meeting; and, being able to request access to such information allows members of the public to meaningfully engage with the work of the Council. Information arising from workshops can be requested under the LGOIMA although, ideally, councils would proactively release information generated in workshops.³³ Creating records of workshops is a matter of good administrative practice, and it promotes a council's accountability and transparency. Councils should adopt a standard approach to recording information about workshops and ensure this is embedded in its guidance on record keeping for workshops.

All workshop attendees should be aware that workshops cannot be used for making an actual and effective 'decision.' The discussion and deliberation that takes place in a workshop can carry elected members down a path toward a decision. For example, where council staff present a range of options to elected members in a workshop, and those options are narrowed down significantly —and, in particular, where those deliberative workshops are closed to the public—it can give the appearance of a decision being made in all but name, with the public meeting merely 'rubber stamping' that decision. Using a closed workshop to do 'everything but' make a decision could be seen as undermining the principles of the LGOIMA and the LGA, which I may view as unreasonable.

I can review the reasonableness of any act or omission by a local authority under the Ombudsmen Act. This includes the reasonableness of a council advising or deciding to not notify or close workshops, or using closed workshops to do 'everything but' make a final decision.³⁴ I expect councils to make it clear to the public that they can complain to me about workshops.

Some councils draw a distinction between 'workshops' and 'briefings' with the former being open to the public and the latter; closed. Other councils may refer to the same type of informal briefing session between elected members and staff using different terminology entirely, such as a 'forum' or 'hui'. Irrespective of the title(s) a council chooses to give informal briefing sessions, the same requirements to conduct business in a transparent and accountable manner, and to keep full and accurate records apply to all.

Workshops at the Council

The Council's Standing Orders³⁵ provide the following definition of a workshop:

³² See s 17(1) PRA

³³ Even if no record is made at the time, information held in an official's memory as to what transpired at a workshop can also be requested under the LGOIMA, and it is preferable to have a contemporaneous account of what happened.

³⁴ This refers to Council staff, not a decision of full Council.

³⁵ Link to [the Council's Standing Orders](#)

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

The Council's workshops have recently been opened for the public and media to attend (I discuss this further in [Opening and advertising workshops](#)). The Council does not take minutes or comprehensive notes of workshops, but the records include an outline of the general subject matter, along with PowerPoint presentations that were presented to the elected members. Record keeping is discussed in more detail in [Keeping records of workshops](#)).

When asked about the purpose of workshops, most staff and elected member survey respondents had positive views on the Council's practices in this area. Many survey respondents said workshops provide valuable learning opportunities for the elected members to conduct comfortable, free and frank discussions. Examples of survey comments, include:

...workshops have been a valuable avenue to get a fuller understanding of issues and ask the dumb question if needed. Differences of opinion may occur and be discussed/debated but full deliberation and decision making is made at the full Council meeting.

I believe that the use of workshops enable free and frank discussions which lead to better governance by elected members.

Workshops are incredibly important tools. Being able to speak more frankly, outside of standing orders parameters is good. Also, not having public or press there allows councillors a little more freedom to ask questions...

All workshop attendees should be aware that workshops cannot be used for making an actual and effective 'decision'. When my investigators met with Council staff and elected members, it was evident they understood that, as per the LGOIMA, decisions were to be made in formal council meetings and not in workshops. For example, the Mayor stated in his survey response:

There are some Councils that pride themselves on very short meetings where it is all rubber stamped our Council is not in that category... a typical Council meeting will last 4 hours much of which is debate.

The Mayor also said if he considers elected members are starting to debate during a workshop, he will interject to say the debate should be conducted in an open forum. He said the purpose of workshops is to help 'identify issues, not positions'. While this is a commendable stance, I suggest the Chief Executive reinforce to staff and elected members that when discussion in a workshop veers toward an actual and effective decision being made, all attendees should be empowered to speak up. The Chief Executive is ultimately responsible for ensuring a decision that should be made at a formal Council meeting is not made in a workshop.

When asked about decision making in workshops, some staff and elected member meeting attendees said that a range of options would occasionally be narrowed down so staff do not

waste time and resources pursuing options that the elected members are not willing to consider. A meeting attendee said there was *'some degree of straw polling'* in order to narrow the options down, typically to four or five options. While I consider this process to be an efficient use of council resources, a straw poll may be easy for the public to perceive as a *'decision'* being made in a workshop. Ensuring there are good records of workshops and making the records available to the public would go some way to alleviate this perception. I discuss this further below.

Opening and advertising workshops

I am pleased the Council has advised that following local elections in October 2022, it has opened its workshops to the public and the media to attend. However, a number of staff and elected members' survey responses indicated there could be some perceived disadvantages to opening workshops to the public, including:

- elected members are able to ask *'dumb'* questions in closed workshops;
- it is difficult to have the public *'cheering on the side'* when having robust discussions between elected members and staff; and
- the public and press potentially *'misunderstand and misinterpret'* the discussion.

While I acknowledge and understand some of the perceived disadvantages, there are a number of ways the Council could alleviate these concerns. For instance, including context and explanation around the information heard and released would go some way to alleviate the concern that the public and media could misunderstand information. Further, if the Council introduced the practice of recording workshops and made that footage available to the public, the full details would be accessible to counteract any information taken out of context. Recording workshops is discussed further below in [Keeping records of workshops](#).

While I appreciate the concern that elected members may be more guarded with their comments in open workshops, elected members are there to provide a voice for the communities they serve. They should feel free to express their opinions in the same way robust exchanges occur in the debating chamber of Parliament. In the interests of accountability, elected members should have no timidity about expressing their views or asking questions publicly. While elected members should not have to endure unreasonable or harassing behaviour, the views of the community are important and elected members should have enough resilience to withstand public scrutiny. It is the job they are elected to do.

A number of advantages to open meetings were also raised by meeting attendees. One staff meeting attendee said *'I think the more information everyone has the better'*. Another staff meeting attendee said an advantage of open workshops is that the public has an opportunity *'to understand the Council's thinking'* by taking them through the Council's decision making processes. I agree with this sentiment. A transparent process allows the public to understand the Council's reasoning and can mitigate the risk of any perceived decision making in workshops.

I consider that where there is a technically complex issue, which requires additional information for elected members to understand, it is equally likely members of the public would benefit from greater knowledge. Where complex matters are explained in an open workshop, the public can be educated along with elected members. This may provide the public with better awareness of the rationale behind a final decision made by elected members in a meeting.

While I am pleased that the Council now lists upcoming and past workshops on its website (along with the agendas and some associated reports),³⁶ I suggest the Council advertise and promote workshops to the public. Currently, it is not clear from the website that the workshops are open to the public. The website lists the date of the workshop, but not the time and place at which the workshop is to be held. The Council's practices appear to be inconsistent with its Standing Orders,³⁷ which state:

Public notice

All workshops open to the public should be publicly notified with the dates and the times and places at which the workshop is to be held.

I also suggest that if any future workshops are closed to the public, the Council ensures the public is still aware of when the workshop is happening, the topic(s) it covers and the reason(s) as to why the workshop is closed.

I note that some staff and elected members also said in surveys and meetings that the public attendance of workshops is low and the Council should be doing more to promote them to the public. In addition to advertising workshops, I suggest the Council formalise a practice of inviting special interest groups, local community groups and the media to workshops. The Council should consider the ways it not only advertises, but actively promotes, workshops to particular groups and the public on topics that are relevant to them.

Overall, I am pleased the Council is now opening its workshops and the generally positive attitude of staff and elected members towards openness and transparency. I am hopeful that the Council will continue on the path towards increasing the transparency and openness of its practices by considering the opportunities for improvement outlined in this report.

Action points

10. Clearly advertise workshops to the public, including the date, time and place in which the workshop is occurring.
11. Ensure the public is informed of any closed workshops (such as the date of the workshop, the topic(s) it covers and the reason(s) as to why the workshop is closed).
12. Consider actively promoting workshops to special interest groups, community groups and the media.

³⁶ Link to the Council's [Workshops](#) webpage.

³⁷ Link to standing Orders on [website](#).

Keeping records of workshops

To gain an understanding of the Council's practices around workshops, I requested a sample number of workshop records. The following records were provided:

- brief agendas include time, date and venue of a workshop, along with references to topics and attached documents (typically PowerPoint presentations) to be discussed during a given workshop; and
- PowerPoint presentations (or documents of other formats) outlining issues to be presented by Council staff to the elected members.

The Council's Standing Orders state:

Workshop Notes

Where a workshop is open to the public, and it is appropriate to do so, notes may be taken and will be available on Council's website after the workshop.

I am concerned that the Council does not keep minutes of workshops or more fulsome notes reflecting the outcome of a workshop. Nor does it keep a record or summary of discussions held during a workshop. A number of staff meeting attendees said that while some notes are kept, there is a lack of consistency and detail.

One of the purposes of workshops is to help elected members make informed decisions in formal council meetings. Therefore, discussions held during workshops may form part of the Council's decision making process. In order to enhance accountability, and build or maintain public trust in the Council's decisions, it is important that the public has access not only to workshops, but to comprehensive records of those workshops.

To help promote accountability and transparency, align with good practice, and, importantly, ensure compliance with section 17 of the PRA, the Council should adopt a standard approach to comprehensively recording information such as a summary of discussions that occur in workshops. Verbal conversations regarding workshops should also be documented. These, and other relevant records (such as emails), should be held in one discrete, easily accessible place.

I also suggest the Council review its Standing Orders to ensure they comply with the PRA, which states '*every public office and local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice*'. I encourage the Council to seek advice from Archives New Zealand, the regulatory stewards of the PRA, to ensure practices (including its Standing Orders) are compliant with section 17 of the PRA.

While I am pleased that council meetings are now livestreamed,³⁸ its workshops are not currently livestreamed or audio video recorded. In my view, it would be beneficial for the Council to consider either live streaming and/or audio video recording workshops. Some councils choose to audio and/or visual record their workshops, both for record keeping

³⁸ Link to the Council's '[Council and Committee Livestreamed Meetings](#)' webpage.

purposes and as an additional transparency measure. I encourage consideration of whether this transparency measure would be appropriate for the Council.

Keeping records of workshops will not only ensure adherence to section 17 of the PRA, it also has other potential benefits for the Council. Records will ensure:

- transparency by providing a record of discussions which precede and inform formal decision making (which occurs during Council meetings);
- public perception and trust in the Council's decision making processes may be enhanced; and
- clarity in the event of an Ombudsman investigation or a complaint from another party (while the Ombudsman cannot investigate decisions made by the Council as a full council,³⁹ they can investigate the reasonableness of any advice provided by council staff on which the decision was based).

The Council should make all records, including any audio visual recordings, available to the public. I suggest the Council either proactively release the records of workshops, or publish a detailed list of the materials available from each workshop, so the public know what they can request. Proactively publishing a full record of workshops may protect the Council from any public perception of decision making occurring at workshops, and gives the public a greater understanding of the rationale behind decisions made at formal meetings.

Action points

13. Review practices (including Standing Orders) to ensure compliance with the Public Records Act (PRA) for workshops, and as part of the review, seek advice from Archives New Zealand about whether practices (and Standing Orders) are compliant with section 17 of the PRA.
14. Amend practices to ensure that full and accurate records of workshops are kept and maintained in an accessible form.
15. Consider livestreaming and audio visual recording workshops.
16. Proactively release written and audio visual records of workshops, where possible.

Guidance and training

The Council's Standing Orders provide some guidance to staff on workshops. *Appendix 9: Workshops* includes the definition of a workshop, outlines the application of Standing Orders to workshops, and includes some information on calling a workshop (including the process). There is also a small amount of information on providing notice to the public, the agenda, closed workshops and workshop notes. However, the Council has no further written guidance on workshops besides this information. I am concerned there is a lack of detailed guidance on

³⁹ See s 13(1) Ombudsmen Act 1975

important points such as advertising and keeping records of workshops, and the circumstances in which some workshops may be closed to the public and the media.

Therefore, I strongly suggest that the Council develop written guidance for workshops to include:

- that workshops are open to the public by default (unless it is reasonable to close a workshop to the public);
- examples of when it may be reasonable to close a workshop;
- how the public will be informed about workshops (both open and closed);
- whether workshops will be livestreamed and/or audio recorded;
- that information generated as part of the workshop should be kept (such as agendas, memos, presentations or notes taken by elected members and staff);
- the ways in which these records will be made available to the public (for example, released proactively);
- that information about workshops can be requested under the LGOIMA;
- who is responsible for the workshop record; and
- where the workshop record should be saved.

If this information is not added to Standing Orders, ensure it is referenced in *Appendix 9* so all guidance on workshops is linked.

It is also good practice for those involved in workshops to receive training. Providing additional basic training on workshops to elected members and staff would help reinforce the differences between a workshop and a council meeting. Training should include information on the circumstances in which a workshop is held. It should also provide examples of the reasons the workshop may be closed to the public and outline record keeping obligations. I note that a number of staff meeting attendees advised that the Council lacks formal training; meeting and workshop training is currently delivered on an ad hoc, as needed, basis.

It is especially important for small councils to have robust guidance and regular training in order to support resilience. Guidance and training outline standards staff can adhere to if someone is away for a prolonged period of time (or leaves the Council), and to help alleviate the loss of specialist knowledge. This issue is discussed further below in [Organisation structure, staffing and capability](#).

Action points

17. Expand written guidance on workshops incorporating my suggestions and provide my Office with a draft.
18. Provide training on workshops to elected members and select staff.

Organisation structure, staffing and capability

My expectations

It is my expectation that councils will organise their structure and resources to ensure they are able to meet their legal obligations under Part 7 of the LGOIMA, in a way that is relevant to their particular size and responsibilities. I expect councils to ensure that there is sufficient knowledge on the LGOIMA and meeting administration, to provide coverage for key staff when they are away or if a staff member resigns.

I expect the LGOIMA function to be appropriately resourced, with roles and responsibilities clearly defined with resilience arrangements in place. This ensures staff are able to draw on specialist expertise when required. Ensuring sufficient resilience could involve building the skill set of a group of senior staff, combined with regular training, good resources and guidance material.

Resilience at the Council

The Council employs approximately 103 staff members,⁴⁰ and does not have a team specifically responsible for the administration of meetings and workshops. The Council's response to the agency questionnaire said:

As Rangitikei District Council is a small Council there are only two staff that have governance responsibilities – they are the Group Manager – Democracy and Planning and the Governance Advisor, therefore staff seek direct advice from either of these two people when drafting their reports and using any provisions to exclude the public, which is also subject to a review when the agenda is compiled.

I consider the Council may lack sufficient resilience arrangements in order to ensure compliance with meeting and workshop requirements. I am concerned that the Council is relying on institutional knowledge and expertise held only by few key individuals in the governance and democracy area. There is a risk that when those staff members are away or leave – especially if their departure is unexpected – their institutional knowledge is lost to the Council. This effect is amplified in a small council where the absence or departure of just one staff member can have a correspondingly large impact.

A potential lack of specialist expertise, combined with the current lack of formal training and guidance, significantly increases the Council's risk of non-compliance with the LGOIMA. As discussed in [Excluding the public from meetings](#), I identified that in the past, prior to my investigation, the Council had not complied with the LGOIMA by incorrectly using s7(2)(f)(i) (free and frank expression of opinions) to exclude the public from a meeting. While steps have been taken to ensure this does not happen again, bolstering the Council's specialist expertise and organisational resilience, including through training and guidance as suggested throughout my report, will provide an extra layer of protection.

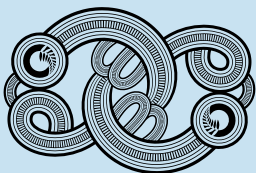
⁴⁰ Link to the Council's [Annual Report 2020-2021](#).

I appreciate that lack of resilience is a common issue among smaller councils such as the Rangitikei District Council, and establishing formal training and guidance requires resources. I encourage the Council to consider taking advantage of the expertise and existing resources of other councils within its network and outside of them, in order to share and develop good meeting practices. Ensuring additional staff gain LGOIMA knowledge would be of benefit, as well as investing in regular LGOIMA training, as I discuss in [Resources and training](#). My Office is available to provide training and can review the Council's training and guidance materials before they are finalised.

Any measures implemented to improve this area should be supported by messaging from senior leaders on the importance of compliance with the LGOIMA and openness and transparency in general. I am pleased the Council already has strong foundations for promoting positive culture as discussed in [Leadership and culture](#). I am optimistic that the Council will continue to improve its practices in this area.

Action point

19. Consider reviewing the Council's organisational resilience arrangements ensuring a number of senior staff are able to provide advice on meeting and workshops including the reasons to exclude the public from meetings.



Ombudsman

Tuia kia ōrite • Fairness for all