



Name	EM03 Access to Meetings
Policy Type	Council Policy
Responsible Officer	Chief Executive Officer
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**1 Purpose**

Litchfield Council is committed to being an accountable local government including being transparent with decision making. As per Section 8 of the Local Government (Administration) Regulations, there are some situations where Council is empowered to classify items as confidential. This policy defines the use of provisions in the Act by which public access to Council and Committee Meetings can be restricted.

**2 Principles**

Policies of the Litchfield Council are guided by principles of sustainability, good governance, advocacy, regulation and service provision. More guidance is provided in Council and Administrative policies, procedures and guidelines, the Municipal Plan, Asset Management Plans and other relevant documents

**3 Definitions**

For the purposes of this Policy, the following definitions apply:

“move into confidence”	resolve to exclude members of the public from access to a matter raised in a Council or Committee meeting, as well as to agenda items and reports pertaining to that matter.
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**4 Policy Statement****4.1 Public Notice and Access to Meeting Agendas**

- 4.1.1 At least five (5) days prior to a Council or Committee meeting (unless it is a Special Meeting), the Chief Executive Officer must give written notice of the meeting to all Council and Committee members setting out the date, time and venue. The notice must be accompanied by the agenda.
- 4.1.2 At least five (5) days prior to a Council or Committee meeting, the notice and agenda must be available to the public on Council’s website, as well as a public copy provided at the front desk at the Civic Centre on public display.
- 4.1.3 Items on the agenda are to be described accurately and in reasonable detail.
- 4.1.4 Three (3) copies of the agenda documents and non-confidential reports that are to be considered at the meeting will be available to the public at the meeting.

**4.2 Public Access to Meetings**

- 4.2.1 Council encourages public attendance at Council and Committee meetings, and all Council and Committee meetings will be held at venues accessible to the public.

- 4.2.2 Where Council or a Council Committee believes it is necessary in the broader community interest to exclude the public from the discussion and or decision of a particular matter, Council will exclude the public for that agenda item, report or discussion only.
- 4.2.3 Before the public can be excluded in order to receive, discuss and consider a particular matter in confidence, a Council or Committee must in public formally determine if this is necessary and appropriate, and then pass a resolution to move into confidence, thereby excluding the public while dealing with the particular matter. Once resolved, all members of the public (including staff but not including Elected Members), unless exempted by being named in the resolution as entitled to remain, are required to exit the room.
- 4.2.4 Once Council has resolved to move into confidence, it is an offence for a person, who knowing that an order is in force, enters or remains in a room in which such a meeting is being held.
- 4.2.5 Once discussion on that particular matter is concluded, the public are then permitted to re-enter the meeting.

4.3 Grounds for Exclusion

- 4.3.1 The grounds for moving into confidence allowed to Council are provided in Section 8 of the Local Government (Administration) Regulations. All resolutions of Council to move into confidence must stipulate grounds for doing so, making specific reference to the subsection of the Local Government (Administration) Regulations upon which the decision is based, and be compliant with the Information Act. ***Embarrassment, discomfort, or unwanted media attention towards Elected members as a whole or individually, or towards Council as an organisation, are therefore insufficient grounds for moving into confidence in and of themselves.***

Reference	Condition for Exclusion
8(a)	Information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual
8(b)	Information about the personal circumstances of a resident or ratepayer
8(c)(i)	Information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person
8(c)(ii)	Information that would, if publicly disclosed, be likely to prejudice the maintenance or administration of the law
8(c)(iii)	Information that would, if publicly disclosed, be likely to prejudice the security of the council, its members or staff
8(c)(iv)	Information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
8(d)	Information subject to an obligation of confidentiality at law, or in equity
8(e)	Information provided to the council on condition that it be kept confidential

- 4.3.2 All resolutions of Council to move into confidence must stipulate the time period of the confidence. Once the time period of exclusion has expired, the matter will be included in the next Council meeting minutes appropriately identified as *a matter coming out of confidence*.

- 4.3.3 While a matter is attended to in confidence, Council may resolve to extend or shorten the period of time it remain in confidence, subject to 4.3.1 above.
- 4.3.4 All resolutions of Council to move into confidence must comply with the Information Act.

4.4 Register of Excluded Items

- 4.4.1 The Chief Executive Officer is responsible for:
  - 4.4.1.1 maintaining in electronic form a register of those instances in Council and Committee meetings where the public has been excluded, the reason for exclusion, and the expiration date of the exclusion.
  - 4.4.1.2 ensuring that Council is notified in a timely manner of those items coming out of exclusion.
  - 4.4.1.3 reporting in Council's Annual Report the number of instances of confidence has been used in Council or Committee meetings, and the grounds for the resolution, the number of matters to have moved out of confidence, and the number of matters remaining in confidence over the course of the preceding year.

**5** Associated Documents

Litchfield Council Policies

**6** References and Related Legislation

Local Government Act, Regulations, Ministerial Guidelines.