

LOCAL GOVERNMENT ACT 1972

Appendix

1. MEETINGS OF THE COUNCIL

L.G.A.72
Sch.12
Part I
Paras. 1-4
=====
S.O.1

- 1.-(1) A principal council shall in every year hold an annual meeting.
- (2) The annual meeting of a principal council shall be held
 - (a) in a year of ordinary elections of councillors to the council, on the eighth day after the day of retirement of councillors or such other day within the twenty-one days immediately following the day of retirement as the council may fix;
 - (b) in any other year, on such day in the month of March, April or May as the council may fix.
- (3)
- (4) An annual meeting of a principal council shall be held at such hour as the council may fix, or if no hour is so fixed at twelve noon.
- 2.-(1) A principal council may in every year hold, in addition to the annual meeting, such other meetings as they may determine.
- (2) Those other meetings shall be held at such hour and on such days as the council may determine.
- 3.-(1) An extraordinary meeting of a principal council may be called at any time by the chairman of the council.
- (2) If the chairman refuses to call an extraordinary meeting of a principal council after a requisition for that purpose, signed, by five members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after the requisition has been presented to him, then, any five members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the council.
- 4.-(1) Meetings of a principal council shall be held at such place, either within or without their area, as they may direct.
- (2) Three clear days at least before a meeting of a principal council -
 - (a) notice of the time and place of the intended meeting shall be published at the council's offices, and where the meeting is called by members of the council the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and
 - (b) a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the proper officer of the council, shall, subject to sub-paragraph (3) below, be left at or sent by post to the usual place of residence of every member of the council.
- (3) If a member of a principal council gives notice in writing to the proper officer of the council that he desires summonses to attend meetings of the council to be sent to him at some address specified in the notice other than his place of residence, any summons addressed to him and left at or sent by post to that address shall be deemed sufficient service of the summons.
- (4) Want of service of a summons on any member of a principal council shall not affect the validity of a meeting of the council.

2. CHAIRMAN OF MEETING

L.G.A.72
Sch.12
Part I
Para. 5
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S.O.2

- 5.-(1) At a meeting of a principal council the chairman, if present, shall preside.
- (2) If the chairman is absent from a meeting of a principal council, then -
- (a) the vice-chairman of the council, if present, shall preside;
- (3) If -
- (a) in the case of a principal council, both the chairman and vice-chairman of the council are absent from a meeting of the council; another member of the council chosen by the members of the council present shall preside.

3. QUORUM - COUNCIL MEETINGS

L.G.A.72
Sch 12
Part I
Para.6
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S.O.3

- 6.- Subject to paragraph 45 below, no business shall be transacted at a meeting of a principal council unless at least one quarter of the whole number of members of the council are present.

4. MINUTES

L.G.A.72
Sch. 12
Part VI
Para.41
as
amended
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S.O.5

- 41.-(1) Minutes of the proceedings of a meeting of a local authority shall, subject to sub-paragraph (2) below, be drawn up and entered in a book kept for that purpose and shall be signed at the same or next suitable meeting of the authority by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.
- (2) Notwithstanding anything in any enactment or rule of law to the contrary, the minutes of the proceedings of meetings of a local authority may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or next suitable meeting of the authority, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.
- (3) Until the contrary is proved, a meeting of a local authority a minute of whose proceedings has been made and signed in accordance with this paragraph shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified.
- (4) For the purposes of sub-paragraphs (1) and (2) above the next suitable meeting of a local authority is their next following meeting or, where standing orders made by the authority in accordance with regulations under Section 20 of the Local Government and Housing Act 1989 provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.

5. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

LGA72
S.100A

- (4) A principal Council may by resolution exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information.

- (5) A resolution under Sub-Section (4) above shall
- (a) identify the proceedings, or the part of the proceedings, to which it applies, and
 - (b) state the description, in terms of Schedule 12A to this Act, of the exempt information giving rise to the exclusion of the public, and where such a resolution is passed this Section does not require the meeting to be open to the public during proceedings to which the resolution applies.

6. DISTURBANCE BY MEMBERS OF THE PUBLIC

- (8) This section is without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

7. VOTING

- 39.-(1) Subject to the provisions of any enactment (including any enactment in this Act) all questions coming or arising before a local authority shall be decided by a majority of the members of the authority present and voting thereon at a meeting of the authority.
- (2) Subject to those provisions in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

8. INSPECTION OF DOCUMENTS

- 228.-(1) The minutes of proceedings of a parish council shall be open to the inspection of any local government elector for the area of the council and any such local government elector may make a copy of or extract from the minutes.
- (2) A local government elector for the area of a local authority may inspect and make a copy of or extract from an order for the payment of money made by the local authority.
- (3) The accounts of a local authority and of any proper officer of a local authority shall be open to the inspection of any member of the authority, and any such member may make a copy of or extract from the accounts.
- (4)
- (5) Subject to any provisions to the contrary in any other enactment or instrument, a person interested in any document deposited as mentioned in section 225 above may, at all reasonable hours, inspect and make copies thereof or extracts therefrom on payment to the person having custody thereof of the sum of IOp for every such inspection, and of the further sum of IOp for every hour during which such inspection continues after the first hour.
- (6) A document directed by this section to be open to inspection shall be so open at all reasonable hours, and, except where otherwise expressly provided, without payment.
- (7) If a person having the custody of any such document -
- (a) obstructs any person entitled to inspect the document or to make a copy thereof or extract therefrom in inspecting the document or making a copy or extract,
 - (b) refuses to give copies or extracts to any person entitled to obtain copies or extracts, he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale#.

Level 1 is currently £200

L.G.A.72
S.100F

IOOF.-(I) Any document which is in the possession or under the control of a principal council and contains material relating to any business to be transacted at a meeting of the council or a committee or sub-committee of the council shall, subject to sub-section (2) below, be open to inspection by any member of the Council.

(2) Where it appears to the proper officer that a document discloses exempt information of a description for the time being falling within any of paragraphs 1 to 6, 9, 11, 12 and 14 of Part I of Schedule 12A to this Act, subsection (1) above does not require the document to be open to inspection.

(3) The Secretary of State may by order amend subsection (2) above -

(a) by adding to the descriptions of exempt information to which that subsection refers for the time being; or

(b) by removing any description of exempt information to which it refers for the time being.

(4) Any statutory instrument containing an order under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) The rights conferred by this section on a member of a principal council are in addition to any other rights he may have apart from this section.

9. APPOINTMENT OF COMMITTEES

L.G.A.72
S.101 &
102
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S.O.21

101.-(1) Subject to any express provision contained in this Act or any Act passed after this Act, a local authority may arrange for the discharge of any of their functions -

(a) by a committee, a sub-committee or an officer of the authority; or

(b) by any other local authority.

(2) Where by virtue of this section any functions of a local authority may be discharged by a committee of theirs, then, unless the local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee or an officer of the authority and where by virtue of this section any functions of a local authority may be discharged by a sub-committee of the authority, then, unless the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority.

(3) Where arrangements are in force under this section for the discharge of any functions of a local authority by another local authority, then, subject to the terms of the arrangements, that other authority may arrange for the discharge of those functions by a committee, sub-committee or officer of theirs and sub-section (2) above shall apply in relation to those functions as it applies in relation to the functions of that other authority.

(4) Any arrangements made by a local authority or committee under this section for the discharge of any functions by a committee, sub-committee, officer or local authority shall not prevent the authority or committee by whom the arrangements are made from exercising those functions.

(5) Two or more local authorities may discharge any of their functions jointly and, where arrangements are in force for them to do so, -

(a) they may also arrange for the discharge of those functions by a joint committee of theirs or by an officer of one of them and subsection (2)

- above shall apply in relation to those functions as it applies in relation to the functions of the individual authorities; and
- (b) any enactment relating to those functions or the authorities by whom or the areas in respect of which they are to be discharged shall have effect subject to all necessary modifications in its application in relation to those functions and the authorities by whom and the areas in respect of which (whether in pursuance of the arrangements or otherwise) they are to be discharged.
- (6) A local authority's functions with respect to levying, or issuing a precept for, a rate shall be discharged only by the authority.

102.-(1) For the purpose of discharging any functions in pursuance of arrangements made under section 101 above or Section 53 of the Children Act 1989

- (a) a local authority may appoint a committee of the authority; or
 - (b) two or more local authorities may appoint a joint committee of those authorities; or
 - (c) any such committee may appoint one or more sub-committees.
- (2) Subject to the provisions of this section, the number of members of a committee appointed under subsection (1) above, their term of office, and the area (if restricted) within which the committee are to exercise their authority shall be fixed by the appointing authority or authorities, or, in the case of a sub-committee, by the appointing committee.
- (3) A committee appointed under subsection (1) above, other than a committee for regulating and controlling the finance of the local authority or of their area, may, subject to section 104 below, include persons who are not members of the appointing authority or authorities, or, in the case of a sub-committee, the authority or authorities of whom they are a sub-committee.
- (4) A local authority may appoint a committee, and two or more local authorities may join in appointing a committee, to advise the appointing authority or authorities on any matter relating to the discharge of their functions, and any such committee -
- (a) may consist of such persons (whether members of the appointing authority or authorities or not) appointed for such term as may be determined by the appointing authority or authorities; and
 - (b) may appoint one or more sub-committees to advise the committee with respect to any such matter.
- (5) Every member of a committee appointed under this section who at the time of his appointment was a member of the appointing authority or one of the appointing authorities shall upon ceasing to be a member of that authority also cease to be a member of the committee; but for the purposes of this section a member of a local authority shall not be deemed to have ceased to be a member of the authority by reason of retirement if he has been re-elected a member thereof not later than the day of his retirement.

10. STANDING ORDERS, ETC., OF COMMITTEES

L.G.A.72
S.106
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106.- Standing Orders may be made as respects any committee of a local authority by that authority or as respects a joint committee of two or more local authorities, whether appointed or established under this Part of this Act or any other enactment, by those authorities with respect to the quorum, proceedings and place of meeting of the committee or joint committee (including any sub-committee) but, subject to any such standing orders, the quorum, proceedings and place of meeting shall be such as the committee, joint committee or sub-committee may determine.

11. OUTSTANDING COUNCIL TAX DUE FROM COUNCILLORS

LGFA 92
S.106

106.-(1) This section applies at any time to a member of a local authority, or a member of a committee of a local authority or of a joint committee of two or more local authorities (including in either case a sub-committee), of at that time -

- (a) a sum falling within paragraph 1(1)(a) of Schedule 4 to this Act;
or
- (b) a sum falling within paragraph 1(1)(a), (b), (d) or (ee) of Schedule 4 to the 1988 Act (corresponding provisions with respect of community charges),

has become payable by him and has remained unpaid for at least two months.

(2) Subject to subsection (5) below, if a member to whom this section applies is present at a meeting of the authority or committee at which any of the following matters is the subject of consideration, namely -

- (a) any calculation required by Chapter III, IV, or V of Part I of this Act;
- (b) any recommendation, resolution or other decision which might affect the making of any such calculation; or
- (c) the exercise of any functions under Schedule 2 to 4 to this Act or Schedules 2 to 4 to the 1988 Act (corresponding provisions with respect to community charges),

he shall at the meeting and as soon as practicable after its commencement disclose the fact that this section applies to him and shall not vote on any question with respect to the matter.

(3) If a person fails to comply with subsection (2) above, he shall for each offence be liable on summary conviction to a fine not exceeding level 3 on the standard scale#, unless he proves that he did not know -

- (a) that this section applied to him at the time of the meeting; or
- (b) that the matter in question was the subject of consideration at the meeting.

Level 3 is currently £1,000.

(4) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.

(5) Subsections (1) to (3) of section 97 of the Local Government Act 1972 (removal of exclusion of liability etc.) shall apply in relation to this section and any disability imposed by it as they apply in relation to section 94 of that Act and any disability imposed by that section.

(6) In this section "local authority" has the same meaning as in sections 94 and 97 of the Local Government Act 1972.

12. INTEREST OF OFFICERS IN CONTRACTS

L.G.A. 72
S.117

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S.O.49

117.-(1) If it comes to the knowledge of an officer employed whether under this Act or any other enactment, by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein. For the purposes of this section an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a member of the authority.

(2) An officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.

(3) Any person who contravenes the provisions of subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale#.

[NB # Level 4 is currently £2500]

(4) References in this section to a local authority shall include references to a joint committee appointed under Part VI of this Act or any other enactment.

13. CONTRACTS OF LOCAL AUTHORITIES

L.G.A. 72
S.135

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S.O.55-73

135.-(1) A local authority may make standing orders with respect to the making of contracts by them or on their behalf.

(2) A local authority shall make standing orders with respect to the making by them or on their behalf of contracts for the supply of goods or materials or for the execution of works.

(3) Standing Orders made by a local authority with respect to contracts for the supply of goods or materials or for the execution of works shall include provision for securing competition for such contracts and for regulating the manner in which tenders are invited, but may exempt from any such provision contracts for a price below that specified in standing orders and may authorise the authority to exempt any contract from any such provision when the authority are satisfied that the exemption is justified by special circumstances.

(4) A person entering into a contract with a local authority shall not be bound to inquire whether the standing orders of the authority which apply to the contract have been complied with, and non-compliance with such orders shall not invalidate any contract entered into by or on behalf of the authority.