

*Status: Point in time view as at 31/03/2017.*

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## SCHEDULES

### SCHEDULE 12 **E+W**

#### MEETINGS AND PROCEEDINGS OF LOCAL AUTHORITIES

##### Modifications etc. (not altering text)

- C1** Sch. 12 modified (5.11.2008) by [The Local Elections \(Ordinary Day of Elections in 2009\) Order 2008 \(S.I. 2008/2857\)](#), [art. 6](#)
- C1** Sch. 12 excluded by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [ss. 1, 86\(9\)](#)
- C1** Sch. 12 modified by [S.I. 1987/2110](#), [art. 2\(2\)](#), [Sch. 1 para. 2\(4\)](#)
- C1** Sch. 12 applied with modifications by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), [s. 160\(2\)](#)  
Sch. 12: power conferred to make provisions about matters of the kind dealt with in this Schedule (1.9.1997) by [1997 c. 50, s. 44\(1\)](#), [Sch. 4\(a\)\(ii\)](#); [S.I. 1997/1930](#), [art. 2\(1\)\(2\)\(m\)](#)
- C1** [Sch. 12](#) modified (E.) (7.9.2013) by [The Local Elections \(Ordinary Day of Elections in 2014\) Order 2013 \(S.I. 2013/2277\)](#), [arts. 1\(1\), 5](#)

### PART I **E+W**

#### PRINCIPAL COUNCILS

##### Modifications etc. (not altering text)

- C1** Sch. 12 Pt. 1 applied (07.08.1991) by [S.I.1991/1773](#), [arts. 6, 8](#), [Sch. 1](#).  
Sch. 12 Pt. 1: certain functions transferred (subject to modifications) (07.08.1991) by [S.I.1991/1773](#), [arts. 6, 8](#), [Sch.1](#).
- C2** Sch. 12 Pt. 1 applied (10.01.1992) by [S.I. 1991/2913](#), [arts. 6, 8](#), [Sch. 1](#).  
Sch. 12 Pt. 1: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), [arts. 6, 8](#), [Sch. 1](#).
- C3** Sch. 12 Pt. 1 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), [arts. 1\(1\), 7](#), [Sch. 1](#)
- C4** Sch. 12 Pt. 1 applied (with modifications) (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\)](#), [arts. 1\(1\), 8](#), [Sch. 1](#)

- 1 (1) A principal council shall in every year hold an annual meeting.
- (2) The annual meeting of a principal council <sup>F1</sup> . . . 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;
  - <sup>F2</sup>(aa) in a year of an election for the return of an elected mayor to the council, which is not a year of ordinary elections of councillors to the council, on the eighth day after the day of retirement of an elected mayor or such other day

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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.

<sup>F3</sup>(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.

**Textual Amendments**

**F1** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

**F2** Sch. 12 para. 1(2)(aa) inserted (E.) (6.5.2002) by [The Local Authorities \(Executive Arrangements\) \(Modification of Enactments\) \(England\) Order 2002 \(S.I. 2002/1057\)](#), [art. 6](#)

**F3** Sch. 12 para. 1(3) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

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**Modifications etc. (not altering text)**

**C5** Sch. 12 para. 1 applied (with modifications) (1.5.2000 for specified purposes and otherwise 3.7.2000) by [1999 c. 29, s. 328, Sch. 28, para. 10\(1\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094, arts. 3\(a\)\(b\), 4\(a\)\(g\)](#)

**C6** Sch. 12 para. 1(2)(b) modified (10.4.2001 with effect for the year 2001) by [2001 c. 7, s. 1\(6\)](#)

- 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.

**Modifications etc. (not altering text)**

**C7** Sch. 12 paras. 2-5 applied (with modifications)(1.5.2000 for specified purposes otherwise 3.7.2000) by [1999 c. 29, s. 328, Sch. 28 para. 10\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094, arts. 3\(a\)\(b\), 4\(a\)\(g\)](#)

- 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 <sup>F4</sup>. . . 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 <sup>F4</sup>. . . 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.

**Textual Amendments**

**F4** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

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**Modifications etc. (not altering text)**

**C8** Sch. 12 paras. 2-5 applied (with modifications)(1.5.2000 for specified purposes otherwise 3.7.2000) by [1999 c. 29, s. 328, Sch. 28 para. 10\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094, arts. 3\(a\)\(b\), 4\(a\)\(g\)](#)

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- 4 (1) Meetings of a principal council shall be held at such place, either within or without their area, as they may direct.
- [<sup>F5</sup>(1A) Five clear days at least before a meeting of a principal council in England—
- (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 at the meeting; and
  - (b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting, and authenticated by the proper officer of the council, shall be sent to every member of the council by an appropriate method.
- (1B) In sub-paragraph (1A)—
- (a) “authenticated” means signed or otherwise authenticated in such manner as the proper officer thinks fit; and
  - (b) the reference to sending the summons to a member by an appropriate method is to—
    - (i) leaving it at, or sending it by post to, the member's usual place of residence, or
    - (ii) where the member has specified an address other than the member's usual place of residence, leaving it at, or sending it by post to, that different address, or
    - (iii) where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and consent has not been withdrawn), sending it in electronic form to that address.]
- (2) Three clear days at least before a meeting of a principal council [<sup>F6</sup>in Wales]—
- (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 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 [<sup>F7</sup>in Wales] 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.
- (5) Except in the case of business required by or under this or any other Act to be transacted at the annual meeting of a principal council and other business brought before that meeting as a matter of urgency in accordance with the council's standing orders, no business shall be transacted at a meeting of the council other than that specified in the summons relating thereto.

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**Textual Amendments**

- F5** Sch. 12 para. 4(1A)(1B) inserted (E.) (30.1.2015) by [The Local Government \(Electronic Communications\) \(England\) Order 2015 \(S.I. 2015/5\)](#), arts. 1(1), 2(2) [Editorial note: This amendment supersedes the previous substitution of words (E.) (30.3.2014) in Sch. 12 para. 4(2) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), ss. 40(6)(11), 49(2)]
- F6** Words in Sch. 12 para. 4(2) inserted (E.) (30.1.2015) by [The Local Government \(Electronic Communications\) \(England\) Order 2015 \(S.I. 2015/5\)](#), arts. 1(1), 2(3)
- F7** Words in Sch. 12 para. 4(3) inserted (E.) (30.1.2015) by [The Local Government \(Electronic Communications\) \(England\) Order 2015 \(S.I. 2015/5\)](#), arts. 1(1), 2(3)

**Modifications etc. (not altering text)**

- C9** Sch. 12 paras. 2-5 applied (with modifications) (1.5.2000 for specified purposes and 3.7.2000 otherwise) by 1999 c. 29, s. 328, [Sch. 28 para. 10\(2\)](#) (with Sch. 12 para. 9(1)); S.I. 2000/1094, arts. 3(a)(b), 4(a)(g)
- C10** Sch. 12 para. 4(2) excluded by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 86(9)
- C11** Sch. 12 para. 4(2) restricted by [S.I. 1985/1884](#), art. 11(3)

- [<sup>F8</sup>4A (1) The Secretary of State may by order amend paragraph 4(2) above so as to substitute for the reference to three clear days such greater number of days as may be specified in the order.
- (2) Any statutory instrument containing an order under sub-paragraph (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**

- F8** Sch. 12 para. 4A inserted (1.10.2000 (E.) and 28.7.2001 (W.)) by [2000 c. 22](#), ss. 98(1)(2), 108(4); [S.I. 2000/2187](#), art. 3

- 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) <sup>F9</sup> . . . , the vice-chairman of the council, if present, shall preside;
  - <sup>F10</sup>(b) . . . . .
  - (c) in the case of a London borough council, the deputy mayor, if at that time he remains a councillor <sup>F11</sup> . . . and is chosen for that purpose by the members of the council then present, shall preside.
- (3) If—
  - (a) in the case of a principal council <sup>F12</sup> . . . , both the chairman and vice-chairman of the council are absent from a meeting of the council;
  - <sup>F13</sup>(b) . . . . .
  - (c) in the case of a London borough council, the mayor and deputy mayor are so absent or the deputy mayor being present is not chosen;
 another member of the council chosen by the members of the council present shall preside.
- [<sup>F14</sup>(4) A member of an executive of a principal council may not be chosen to preside under sub-paragraph (3) above.

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- <sup>F14</sup>(5) Sub-paragraphs (2)(c) and (3)(c) above do not apply where a London borough council are operating executive arrangements which involve a mayor and cabinet executive <sup>F15</sup> . . . .”]

#### Textual Amendments

- F9** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)
- F10** Sch. 12 para. 5(2)(b) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)
- F11** Words repealed by [S.I. 1977/1710](#), [art. 3\(c\)](#)
- F12** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)
- F13** Sch. 12 para. (3)(b) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)
- F14** Sch. 12 para. 5(4)(5) inserted (26.10.2000 (E.) and 28.7.2001 (W.)) by 2000 c. 22, ss. 46, 108(4), [Sch. 3 para. 14\(1\)\(2\)](#); [S.I. 2000/2849](#), [art. 2\(e\)](#)
- F15** Words in Sch. 12 para. 5(5) omitted (30.12.2007) by virtue of [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 74, 245, [Sch. 3 para. 12\(2\)](#) and said words repealed (prosp.) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 241, 245, [Sch. 18 Pt. 3](#)

#### Modifications etc. (not altering text)

- C12** Sch. 12 paras. 2-5 applied (with modifications)(1.5.2000 for specified purposes otherwise 3.7.2000) by 1999 c. 29, s. 328, [Sch. 28 para. 10\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094](#), [arts. 3\(a\)\(b\)](#), 4(a)(g)

- 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.

#### Modifications etc. (not altering text)

- C13** Sch. 12 para. 6 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, [Sch. Pt. II](#)

- <sup>F16</sup>~~Z~~<sup>A</sup>(1) A relevant police and crime commissioner may attend, speak at and vote at a meeting of a principal council in England which is a fire and rescue authority.

- (2) Sub-paragraph (1) applies—
- only if and to the extent that the business of the meeting relates to the functions of the principal council as a fire and rescue authority, and
  - only if the council have consented to the participation of the relevant police and crime commissioner in such meetings in response to a request by the commissioner to do so.
- (3) If a request under sub-paragraph (2)(b) is made to a principal council, the council must—
- consider the request,
  - give reasons for their decision to agree to or refuse the request, and
  - publish those reasons in such manner as they think appropriate.
- (4) If the principal council agree to the request, the relevant police and crime commissioner is to be treated as a member of the council for the purposes of the following provisions of this Schedule in the case of a meeting which relates to the functions of the council as a fire and rescue authority—
- paragraph 3(2);
  - paragraph 4(1A);

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- (c) paragraph 5(3);
- (d) paragraph 6;
- (e) paragraph 39;
- (f) paragraph 40;
- (g) paragraph 41(3);
- (h) paragraph 43.

(5) In this paragraph “relevant police and crime commissioner”, in relation to a principal council, means a police and crime commissioner—

- (a) whose area is the same as, or contains all of, the area of the principal council, or
- (b) all or part of whose area falls within the area of the principal council.]

**Textual Amendments**

**F16** Sch. 12 Pt. 1 para. 6ZA inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017](#) (c. 3), [ss. 7\(3\)](#), [183\(1\)\(5\)\(e\)](#)

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