

Changes to legislation: Local Government Act 1972, Part IV is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 12 **E+W**

MEETINGS AND PROCEEDINGS OF LOCAL AUTHORITIES

Modifications etc. (not altering text)

- 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 (5.11.2008) by [The Local Elections \(Ordinary Day of Elections in 2009\) Order 2008 \(S.I. 2008/2857\)](#), **art. 6**
- 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**
- C1** Sch. 12 modified (E.) (4.4.2020) by [The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020 \(S.I. 2020/392\)](#), **regs. 1, 6 (with reg. 2(4))**
- C1** Sch. 12 modified (W.) (22.4.2020) by [The Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) Regulations 2020 \(S.I. 2020/442\)](#), **regs. 1(3), 7**
- C1** Sch. 12 modified (E.) (4.4.2020) by [The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations 2020 \(S.I. 2020/392\)](#), **regs. 1, 6 (with reg. 2(4))** (as amended (1.8.2020) by [The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/808\)](#), **regs. 1, 2(3)**)
- C2** Sch. 12 modified (W.) (22.4.2020) by [The Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) Regulations 2020 \(S.I. 2020/442\)](#), **regs. 1(3), 6**

PART IV **E+W**

COMMUNITY COUNCILS

- 23 (1) A community council shall in every year hold an annual meeting.
- (2) In a year which is a year of ordinary elections of community councillors, the annual meeting of a community council shall be held on, or within fourteen days after, the day on which the councillors elected at that election take office, and in any other year the annual meeting shall be held on such day in May as the community council may determine.
- (3) The annual meeting of a community council shall be held at such hour as the council may fix or, if no hour is so fixed, 6 o'clock in the evening.

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Modifications etc. (not altering text)

C3 Sch. 12 para. 23(2) modified (25.5.2001 with effect for the year 2001) by S.I. 2001/1630, art. 4

- 24 (1) A community council may in every year hold, in addition to the annual meeting, such other meetings as the council may determine to hold for the transaction of their business.
- (2) Any of those other meetings shall be held at such hour and on such day as the council may determine.
- 25 (1) An extraordinary meeting of a community council may be called at any time by the chairman of the council.
- (2) If the chairman refuses to call an extraordinary meeting of the council after a requisition for that purpose, signed by two 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 such a requisition has been presented to him, any two members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the council.
- 26 ^{F1}(1) Meetings of the community council and its committees and sub-committees are to be held at such place, either within or outside the council's area, as the council may direct.]
- (2) Three clear days at least before a meeting of a community council ^{F2}or, if the meeting is convened at shorter notice, then at the time it is convened] —
- (a) notice ^{F3}of the meeting containing the information required by sub-paragraph (2ZA)] shall be ^{F4}published electronically and] fixed in some conspicuous place in the community and, where the meeting is called by members of the council, the notice shall ^{F5}set out the names of] those members and shall specify the business proposed to be transacted at the meeting; and
- ^{F6}(aa) any documents relating to the business to be transacted at the meeting must be published electronically (in so far as reasonably practicable),]
- (b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and ^{F7}authenticated] by the proper officer of the council, ^{F8}must, subject to sub-paragraph (2C), be sent to every member of the council electronically; and each member must specify an electronic address for that purpose.]
- ^{F9}(2ZA) The information required to be in a notice under sub-paragraph (2)(a) consists of—
- (a) where the meeting or part of the meeting is open to the public and is held through remote means only, details of the time of the meeting and how to access it;
- (b) where the meeting or part of the meeting is open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and how to access it;
- (c) where the meeting is not open to the public and is held partly through remote means or is not held through remote means, details of the time and place of the meeting and the fact that it is not open to the public;

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- (d) where the meeting is not open to the public and is held through remote means only, details of the time of the meeting and the fact that it is being held through remote means only and is not open to the public.
- (2ZB) In sub-paragraph (2ZA), references to a meeting held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).]
- [^{F10}(2A) The duty of a community council under sub-paragraph (2)(aa) to publish documents relating to the meeting does not apply where—
- (a) the documents relate to business which in the opinion of the council is likely to be transacted in private, or
 - (b) the disclosure of such documents would be contrary to any enactment.]
- [^{F11}(2B) In sub-paragraph (2)(b) “authenticated” means signed or otherwise authenticated in such manner as the proper officer considers appropriate.
- (2C) If a member of a community council gives notice in writing to the proper officer of the council that summonses to attend meetings of the council should be sent to the member at an address specified in the notice rather than electronically, such summonses must be sent to that member by being left at, or sent by post to, that address.]
- [^{F12}(2D) At least three clear days before a meeting of a committee or sub-committee of a community council, notice of the time and place of the intended meeting must be published electronically and fixed in a conspicuous place in the community.
- (2E) If the chairman of a committee or sub-committee of a community council considers that a meeting of the committee or sub-committee should take place urgently, sub-paragraph (2D) has effect as if for the words “three clear days” there were substituted “twenty four hours ”.]
- (3) Want of service of any such summons as is referred to in sub-paragraph (2)(b) above on any member of the community council concerned shall not affect the validity of the meeting.

Textual Amendments

- F1** Sch. 12 para. 26(1) substituted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 20\(1\)](#); S.I. 2021/354, reg. 2(c) (with reg. 3)
- F2** Words in Sch. 12 para. 26(2) inserted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 4\(a\)](#); S.I. 2021/354, reg. 2(c)
- F3** Words in Sch. 12 para. 26(2)(a) substituted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 4\(b\)\(i\)](#); S.I. 2021/354, reg. 2(c)
- F4** Words in Sch. 12 para. 26(2)(a) inserted (1.5.2015) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), [ss. 57\(a\)\(i\)](#), 75(3); S.I. 2015/1182, art. 2(c)
- F5** Words in Sch. 12 para. 26(2)(a) substituted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 4\(b\)\(ii\)](#); S.I. 2021/354, reg. 2(c)
- F6** Sch. 12 para. 26(2)(aa) inserted (1.5.2015) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), [ss. 57\(a\)\(ii\)](#), 75(3); S.I. 2015/1182, art. 2(c)
- F7** Word in Sch. 12 para. 26(2)(b) substituted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 4 para. 19\(5\)\(a\)](#); S.I. 2021/354, reg. 2(c) (with reg. 3)

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- F8** Words in Sch. 12 para. 26(2)(b) substituted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\), s. 175\(7\), Sch. 4 para. 19\(5\)\(b\)](#); S.I. 2021/354, reg. 2(c) (with reg. 3)
- F9** Sch. 12 para. 26(2ZA)(2ZB) inserted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\), s. 175\(7\), Sch. 4 para. 4\(c\)](#); S.I. 2021/354, reg. 2(c)
- F10** Sch. 12 para. 26(2A) inserted (1.5.2015) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\), ss. 57\(b\), 75\(3\)](#); S.I. 2015/1182, art. 2(c)
- F11** Sch. 12 para. 26(2B)(2C) inserted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\), s. 175\(7\), Sch. 4 para. 19\(6\)](#); S.I. 2021/354, reg. 2(c) (with reg. 3)
- F12** Sch. 12 para. 26(2D)(2E) inserted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\), s. 175\(7\), Sch. 4 para. 21](#); S.I. 2021/354, reg. 2(c) (with reg. 3)

Modifications etc. (not altering text)

- C4** Sch. 12 para. 26(2) modified (W.) (22.4.2020) by [The Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) Regulations 2020 \(S.I. 2020/442\), regs. 1\(3\), 17\(2\)](#)

- [^{F13}26~~Z~~A] As soon as reasonably practicable after a meeting of a community council, and in any event before the end of seven working days beginning with the day on which the meeting is held, the council must publish electronically a note setting out—
- (a) the names of the members who attended the meeting, and any apologies for absence;
 - (b) any declarations of interest;
 - (c) any decision taken at the meeting, including the outcomes of any votes.
- (2) The duty under sub-paragraph (1)(c) to publish a note setting out any decisions does not apply—
- (a) in relation to a decision relating to business which was transacted in private, or
 - (b) where disclosure of the information would be contrary to any enactment.]

Textual Amendments

- F13** Sch. 12 para. 26ZA inserted (1.5.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\), s. 175\(7\), Sch. 4 para. 12](#); S.I. 2021/354, reg. 2(c) (with reg. 3)

^{F14}26A

Textual Amendments

- F14** Sch. 12 para. 26A omitted (5.5.2022) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\), s. 175\(7\), Sch. 13 para. 5](#); S.I. 2021/231, art. 6(v)

- 27 (1) At a meeting of a community council the chairman of the council, if present, shall preside.
- (2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council, if present, shall preside.
- (3) If both the chairman and the vice-chairman of the council are absent from a meeting of the council, such councillor as the members of the council present shall choose shall preside.

[^{F15}27A]1) This paragraph applies in respect of a meeting or part of a meeting of a community council which is open to the public.

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- (2) The person presiding over the meeting must give members of the public in attendance a reasonable opportunity to make representations about any business to be transacted at the meeting, unless that person considers that doing so is likely to prejudice the effective conduct of the meeting.
- (3) In complying with sub-paragraph (2), the person presiding over the meeting must have regard to any guidance issued by the Welsh Ministers about the function in that sub-paragraph.]

Textual Amendments

F15 Sch. 12 para. 27A inserted (5.5.2022) by Local Government and Elections (Wales) Act 2021 (asc 1), ss. 48, 175(7); S.I. 2021/231, art. 6(g)

- 28 Subject to paragraph 45 below, no business shall be transacted at a meeting of a community council unless at least one-third of the whole number of members of the council are present at the meeting; but, notwithstanding anything in that paragraph, in no case shall the quorum be less than three.
- 29 ^{F16}(1) The manner of voting at meetings of a community council is to be decided by the council, but (if a vote is necessary on the question) the proper officer is to determine the manner of voting on that decision; if agreement cannot be reached, the proper officer is to determine the manner of voting on all other matters.]
- (2) On the requisition of any member of the council the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

Textual Amendments

F16 Sch. 12 para. 29(1) substituted (1.5.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), Sch. 4 para. 23(1); S.I. 2021/354, reg. 2(c)

Modifications etc. (not altering text)

C5 Sch. 12 para. 29 modified (W.) (22.4.2020) by The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442), regs. 1(3), 16

^{F17}29A

Textual Amendments

F17 Sch. 12 para. 29A omitted (5.5.2022) by virtue of Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), Sch. 13 para. 5; S.I. 2021/231, art. 6(v)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)