

## **THE POWERS OF A COMMUNITY MEETING IN COMMUNITY WITHOUT A SEPARATE COMMUNITY COUNCIL**

### **Constitution and Chairman**

1. The community meeting of a community consists of the local government electors for the community (section 32(1) Local Government Act 1972). The meeting is not required to assemble annually, but may meet at any time (paragraph 30(1) of schedule 12 to the LGA 1972).
2. Para 33 (2) of schedule 12 requires the community to appoint a person to preside the meeting. Any act of a community meeting may be signified by an instrument signed by the person presiding at a meeting together with two electors present at the meeting. S.32(2) provides that the community may authorise the person presiding and two other local government electors present at the meeting to do anything authorised by the meeting.
3. As there is no permanent chairman to a community meeting, there is no equivalent of the Parish Trustees, which exist in England.
4. At the request of the community meeting, the principal council (e.g. the county council or county borough) may change the name of the community (s.76 LGA 1972).
5. A community meeting is entitled to use a schoolroom, or a room maintained out of any rate, free of charge but subject to the payment of expenses (e.g. on the same terms as a community council – see paragraphs 6 to 8 of LTN 5 (Parish Town and Community Council Meetings)).

### **Establishment and Dissolution of Community Councils**

6. The Local Government (Wales) Measure 2011 repealed and amended the LGA with respect to the creation and dissolution of community councils. If a community

has no separate community council and is not co-extensive with a county or county borough area, its community meeting may apply to the county or county borough council for an order establishing a community council. Similarly, a community council can also apply for an order dissolving its community council by making an application to the county or county borough council.

7. Any application needs to satisfy the conditions set out in section 27A and s27C LGA 1972, respectively. It is advised that community meetings approach their principal councils directly with respect to legal guidance and procedure on any applications and orders.

### **Finance**

8. The expenses of a community meeting are paid by the principal council (s.150 (3) LGA 1972). A community meeting is not obliged to keep accounts.

### **Functions and Powers**

9. The function of a community meeting (other than the functions specified above) is to discuss community affairs and to exercise any functions conferred on community meetings by any enactment (s.27(1) LGA 1972). NALC is of the view that a community affair could be any local issue, activity, subject matter which specifically affects a particular community and which a community meeting may wish to discuss, debate and potentially influence; it would not be anything which may affect all communities in the country equally.
10. The decisions taken at a community meeting are of persuasive effect only, except in relation to the creation and dissolution of a community council (see paragraphs 6 - 8 above).
11. Even though community meetings are not bodies corporate, by analogy with Parish Meetings without a separate parish council (see LTN 3), it may possible that they could commence and defend proceedings in their own name. NALC is not however aware of any such examples.

**Calling and Procedure at Meeting, voting and polls**

12. Where there is a community council for a community, a community meeting may be convened at any time by the chairman of the council or by any two councillors representing the community on the council (para. 30(1), schedule 12 of the 1972 Act). Seven clear days public notice must be given by the persons convening the meeting (para. 30(2)) but at least 30 clear days' notice must be given where it is sought to establish or dissolve a community council or to group it with or separate it from others (s para. 30(3)). The notice must:
  - specify the time and place of the meeting;
  - specify the business to be transacted;
  - be signed by the convenors; and
  - be posted in some conspicuous place or places in the community and in such other manner, if any, as appears to the person or persons convening the meeting to be desirable for giving publicity to the meeting.
  
13. A meeting must not begin before 6.00pm and must not be held in premises which are used for the supply of alcohol unless no other room is available free or at a reasonable cost (para 32(2)).
  
14. Decisions are taken at a meeting by a majority of those present and voting with the person presiding the meeting having a casting vote in the event of an equality of votes (paras.34(2) and (3)).
  
15. A poll may be demanded before the conclusion of a community meeting on any question arising at the meeting; but no poll shall be taken unless the poll is demanded by a majority of the local government electors present at the meeting, and the electors demanding a poll constitute not less than either 10% of the local government electors for the community, or 150 of the electors (if 10% of the electors exceeds 150 electors).

**Other Legal Topic Notes (LTNs) relevant to this subject:**

<b>LTN</b>	<b>Title</b>	<b>Relevance</b>
5	Parish Town and Community Council Meetings	Sets out the (identical) powers of local councils to use rooms for meetings.
6	Meetings of Parish Meetings.	Sets out the equivalent procedure and financial provisions in England in respect of polls.

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