

COUNCIL MEETINGS

AN146 - Council Meetings: Admission of Public and Press

The Public Bodies (Admission to Meetings) Act 1960 applies at local council meetings, even though it does not apply at principal councils. It provides that meetings of local councils (including any so-called committee of the full council, where every councillor is a member of that committee), and by virtue of LGA 1972, s.100, every committee of a local council) shall be open to the public and press. Provision is made for excluding the public and press by resolution when confidential business is being considered (or for other special reasons stated in the resolution) and publicity would be prejudicial to the public interest.

Public notice must be given of meetings which the public may attend by posting it at the local council's offices, or, if none, in a central and conspicuous place, three clear days before the meeting. It is good practice to include on the notice information as to the business to be transacted. The three clear days must be 'three perfect intervening days'. A meeting on a Friday requires a clear Thursday, Wednesday and Tuesday intervening before the notice is given. This may be on the Monday, unless that is a bank holiday. It is certainly bad practice and probably legally wrong to give notice of a meeting on a bank holiday, Sunday, day of national mourning or national celebration. Arguably, one should also avoid giving the notice on the Saturdays of bank holiday weekends. This means the only safe practice is to give the notice a week before a meeting – and to give it only on a normal working day.

Agendas must, and other documents may, be supplied for newspapers and other media organisations and reasonable facilities must be provided for media representatives at meetings.

The publication of defamatory statements in agendas and documents so provided may conceivably be subject to qualified privilege but care should always be taken when circulating material in public and advice taken where doubt exists.

Meetings must initially be open to the press and the public, but the press and the public may be excluded from a meeting for one or more agenda items, if publicity during the discussion of that item would be prejudicial to the public interest. A resolution 'to exclude the press and the public during Item(s) XXX (and YYY)' is usually required.

The following matters usually fall under the umbrella of confidential business, the disclosure of which would be prejudicial: -

- Appointment, terms of service, conduct and dismissal of employees
- Terms of tenders and negotiations for contracts to be entered into
- The early stages of any dispute and the preparation of cases in legal proceedings

Note that the more onerous requirements set out in ss.100A–100K of the LG Act 1972 (inserted by the LG (Access to Information Act 1985) do not apply to local councils.

In England only, the 1960 Act has been amended by the Openness of Local Government Bodies Regulations 2014 (SI 2014/2095) to give persons attending a council or committee meeting which is open to the public the right to report on that meeting. This includes the right to film, photograph or make an audio

recording of the meeting. It does not require a council to permit oral reporting or commentary on a meeting as it takes place if the person reporting or providing the commentary is present at the meeting. See also Open and Accountable Local Government: Plain English Guide (MHCLG, August 2014).

The rights granted to the press and public under section 1 of the 1960 Act are without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.