
STATUTORY INSTRUMENTS

1990 No. 1553

**The Local Government (Committees
and Political Groups) Regulations 1990**

PART II

VOTING RIGHTS OF MEMBERS

Interpretation of Part II

3. In this Part references to an authority are references to a relevant authority within the meaning of section 13(9) of the 1989 Act other than a parish or community council.

Prescribed functions of authorities where all members of committees discharging those functions may have voting rights

4.—(1) The following functions are prescribed for the purposes of section 13(4)(g) of the 1989 Act—

- (a) the management of land owned or occupied by the authority, other than houses within the meaning of section 56 of the Housing Act 1985(1) which are provided under Part II of that Act;
- (b) in the case of a local housing authority as defined in section 1 of the Housing Act 1985, its functions under section 21 to 26 of that Act in so far as they relate to not more than 1,500 houses, or one quarter of the total number of houses which are provided by the authority under Part II of that Act, whichever is less;
- (c) in the case of a harbour authority as defined in section 57(1) of the Harbours Act 1964(2), its functions as such;
- (d) any function under section 144 of the 1972 Act(3) or section 33 of the 1989 Act relating to the promotion of tourism;
- (e) any function under section 145 of the 1972 Act relating to the management of a festival;
- (f) in the case of a London borough council or the Common Council of the City of London in its capacity as a local authority, police authority or port health authority, the training of staff for the purposes of discharging any function under the Local Authority Social Services Act 1970(4);
- (g) in the case of a metropolitan district council, any function under regulations made by virtue of section 7 of the Superannuation Act 1972(5); and

(1) 1985 c. 68.

(2) 1964 c. 40.

(3) Section 144 was amended by Schedule 2 to the Local Government (Miscellaneous Provisions) Act 1976 (c. 57), by section 190 of, and Schedule 34 to, the Local Government, Planning and Land Act 1980 (c. 65), and by Schedule 17 to the Local Government Act 1985 (c. 51).

(4) 1970 c. 42.

(5) 1972 c. 11; see S.I.1986/24, amended by S.I. 1986/380, 1987/293, 1579 and 2110, 1988/466 and 1990/1285.

- (h) in the case of a county council, any function under the Highways Act 1980⁽⁶⁾ or the Local Authority Social Services Act 1970 to the extent that it is discharged by a committee the members of which consist solely of members of that council and of members of any district council within its area.

(2) There is prescribed for the purposes of section 13(4)(g) of the 1989 Act in relation to an authority in Wales which is a local education authority as defined in section 114 of the Education Act 1944⁽⁷⁾, any functions with respect to education to the extent that they are discharged jointly by all such local education authorities.

(3) For the purposes of paragraph (1)(a) and (e) “management” does not include the determination of the total amount of money which may be expended in any financial year by the authority in respect of the land or festival, as the case may be; and in so far as the functions referred to in paragraph (1)(b) include the management of houses, they shall be taken to exclude the making of any such determination.

Sub-committees where persons may have voting rights

5.—(1) For the purposes of section 13(3)(b) of the 1989 Act the following cases are prescribed—

- (a) a person appointed to a sub-committee of a committee which is appointed exclusively to discharge any of the functions mentioned in regulation 4;
- (b) a person appointed to a sub-committee of a National Parks Committee;
- (c) a person appointed to a sub-committee prescribed in paragraph (2); and
- (d) without prejudice to sub-paragraph (b), a person appointed to a sub-committee of a committee falling within section 13(4) of the 1989 Act who is a member of the authority which appointed the committee.

(2) For the purposes of section 13(4)(h) of the 1989 Act the following sub-committees are prescribed—

- (a) a sub-committee appointed by a social services committee under section 4(2) of the Local Authority Social Services Act 1970 and a joint sub-committee appointed under section 4(3) of that Act which is appointed solely to advise that committee or another sub-committee of that committee;
- (b) a sub-committee appointed by an education committee, as defined in paragraph 4(1) of Schedule 1 to the 1989 Act, where either—
 - (i) no non-voting member of the education committee is appointed as a voting member of the sub-committee; or
 - (ii) the sub-committee is appointed solely to advise that committee or another sub-committee of that committee;
- (c) a sub-committee appointed exclusively to discharge any function mentioned in regulation 4(1);
- (d) the sub-committee referred to in section 25(1) of the Plymouth City Council Act 1987⁽⁸⁾; and
- (e) without prejudice to regulation 4(1)(a) or sub-paragraph (c) above, in so far as it relates to the management of land under regulation 4(1)(a), the sub-committee established—
 - (i) pursuant to an agreement dated 13th February 1905 between the Mayor, Aldermen and Burgesses of the Borough of Hastings and George Godfrey Gray, Arthur Henry

⁽⁶⁾ 1980 c. 66.

⁽⁷⁾ 1944 c. 31; there are relevant amendments made by S.I. 1977/293, and section 163 of the Education Reform Act 1988 (c. 40).

⁽⁸⁾ 1987 c.iv.

Lucy and William Vandeleur Crake relating to the management of the Hastings and Saint Leonards Museum;

- (ii) pursuant to an agreement dated 30th December 1960 between the Yorkshire Philosophical Society and the Corporation of the City of York relating to the management of the Yorkshire Museum and Gardens; and
- (iii) as provided in an agreement dated 21st April 1975 between South Lakeland District Council, Windermere Parish Council and Lakes Parish Council relating to Lake Windermere.