

Briefing Note - Advisory Committees

S.102(4) of the Local Government Act 1972 Act is in the following terms:

'A local authority may appoint a committee, and two or more local authorities may join in appointing a committee, to **advise** the appointing authority or authorities... on any matter relating to the discharge of their functions, and any such committee--

- a. may consist of such persons (whether members of the appointing authority or authorities or not) appointed for such term as may be determined by the appointing authority or authorities; and
- b. may appoint one or more sub-committees to advise the committee with respect to any such matter.'

The wording of 102(4) is broad but it makes it clear that the role of committees and sub-committees appointed under s.102(4) is restricted to advising the council (or a committee) on 'any matter relating to the discharge of their functions'. The key word is 'advise'. Importantly, committees (or sub-committees) appointed under s.102(4) have no power to discharge the functions of a council.

Many councils make good use of the power contained in s.102(4) and often refer to committees (or sub-committees) appointed under it as 'working parties' or 'working groups' or 'panels' rather than advisory committees (or sub-committees). However councils should be aware that such parties/groups/panels are, in fact, committees or sub-committees within the meaning of the 1972 Act and are, accordingly, subject to the same legal provisions in the 1972 Act as other committees.

In terms of membership of an Advisory Committee, although a person wishing to become a councillor has to satisfy the qualification requirements of s.79 of the 1972 Act, a non-councillor appointed to an advisory committee pursuant to s.102(4) does not. The qualification requirements include such things as being a local government elector, and living or working in the Councils area when elected. Any person disqualified from being a councillor pursuant to s.80 of the 1972 Act is unable to be a member of any committee (including an advisory committee under s.102(4)) by virtue of s.104 of the 1972 Act.

All members of an Advisory Committee (both members and non-members of the Council) are able to vote, as this type of committee benefits from an exemption to the voting rules under S.13 Local Government and Housing Act 1989.