



RESTRICTIONS ON VOTING - STATUTORY PROVISIONS

Failure to pay Council Tax or Community Charge Arrears

In addition to the provisions in the Code there is also a statutory bar on a Member participating in decisions if Council Tax or Community Charge payments have remained unpaid for more than two months. The relevant section is set out below. It is important to note that failure to comply with this provision could be subject to a criminal prosecution with the penalty of a fine.

EXTRACTS FROM THE LOCAL GOVERNMENT FINANCE ACT 1992

Council Tax and Community Charges: Restrictions on Voting

- "106. (1) This section applies at any time to a member of a local authority, or a member of a committee of a local authority or of a joint committee of two or more local authorities (including in either case a sub-committee) or a council manager within the meaning of section 11(4)(b) of the Local Government Act 2000, if at that time –
- (a) a sum falling within paragraph 1(1)(a) of Schedule 4 to this Act; or
 - (b) a sum falling within paragraph 1(1)(a), (b),(d) or (ee) of Schedule 4 to the 1988 Act (corresponding provisions with respect to community charges),
- has become payable by him and has remained unpaid for at least two months.
- (2) Subject to subsection (5) below, if a member or a council manager to whom this section applies is present at a meeting of the authority or committee, or in the case of an authority which are operating executive arrangements the executive of that authority or any committee of that executive, at which any of the following matters is the subject of consideration, namely -
- (a) any calculation required by Chapter III, IV or V of Part I of this Act;
 - (b) any recommendation, resolution or other decision which might affect the making of any such calculation; or

- (c) the exercise of any functions under Schedules 2 to 4 to this Act or Schedules 2 to 4 to the 1988 Act (corresponding provisions with respect to community charges),

he shall at the meeting and as soon as practicable after its commencement disclose the fact that this section applies to him and shall not vote on any question with respect to the matter.

- (2A) In the case of an authority which are operating executive arrangements, if or to the extent that any matter listed in paragraphs (a), (b) or (c) of subsection (2) is the responsibility of the executive of that authority, no member of the executive to whom this section applies shall take any action or discharge any function with respect to that matter.
- (3) If a person fails to comply with subsection (2) above, he shall for each offence be liable on summary conviction to a fine not exceeding Level 3 on the standard scale, unless he proves that he did not know –
 - (a) that this section applied to him at the time of the meeting; or
 - (b) that the matter in question was the subject of consideration at the meeting.

(4)-(6)...."