

Independent Audit Committee Member

Information for Applicants

Under the Local Government Act 1972 a person may not be a member of a committee of the Council if he/she is disqualified from being or becoming a Member of a district, county or London borough council.

Sections 80 and 81 of the Local Government Act 1972 (as amended) provide as follows:

Disqualification for election and holding office as member of local authority

80. (1) Subject to the provisions of section 81 below, a person shall be disqualified for being elected or being a member of a local authority if he/she –

(a) Holds any paid office or employment (other than the office of chairman, vice-chairman or deputy chairman) appointments to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by a joint committee or sub-committee of the authority or by a.... joint committee [or National Park authority] on which the authority are represented or by any person holding any such office or employment:

or

(b) Is a person who has been adjudged bankrupt, or made a composition or arrangement with his/her creditors; or

(c)

(d) Has within five years before the day of election or since his/her election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or

(e) Is disqualified for being elected or for being a member of that authority under Part III of the [Representation of the People Act 1983] or under [the Audit Commission Act 1998].

(2) Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of -

(a) A committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority; or

(b) A joint board [joint authority] or joint committee on which the authority are represented and any member of which is so appointed;

shall be disqualified for being elected or being a member of that local authority.

[(2AA) A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes -

(a) One or more persons appointed on the nomination of the authority acting by the Mayor, and

(b) One or more members of one or more London borough councils appointed to the committee on the nomination of those councils,

shall be disqualified for being elected or being a member of any of those London borough councils.]

[(2C) Subsection (2) above shall have effect as if the reference to a joint board included a reference to a National Park authority.]

(2B) For the purposes of this section a local authority shall be treated as represented on a National Park authority if it is entitled to make any appointments of a local authority member of the National Park authority.]

(3) Teachers in a school maintained but not established by a local education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school established by the authority.

(4)

(5) For the purposes of subsection (1).....(d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the..... conviction expires or, if such appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the..... conviction, as the case may be.

Exceptions to the provisions of Section 80

81. [(1) Where a person is disqualified under section 80 above by reason of having been

adjudged bankrupt, the disqualification shall cease -

(a) unless the bankruptcy order made against that person is previously annulled, on his/her discharge from bankruptcy; and

(b) if the bankruptcy order is so annulled, on the date of the annulment.]

(2) Where a person is disqualified under section 80 above by reason of his/her having made a composition or arrangement with his/her creditors and he/she pays his/her debts in full, the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiration of five years from which the terms of the deed of composition or arrangement are fulfilled.

(3)

(4) Section 80(2) and (3) shall not operate so as to disqualify -

(a) any person by reason of his/her being a teacher, or otherwise employed, in a school..... or other educational institution maintained or assisted by a county council for being a member of a district council by reason that the district council nominates members of the education committee of the county council;

(b) . . .