CONTENTS

	Page
Preface	ν
Table of Cases	vii
Table of Statutes	lxxxiii
Table of Statutory Instruments	cxiii
Table of European Legislation	cxxxi
Table of Darie - 8	
PART I	
Chapter 1	Para.
THE LEGAL FRAMEWORK OF LOCAL	
AUTHORITIES	1-01
A. The Constitutional position	1–02
B. Historical background	1–03
C. The framework established by the Local Government Act 1972	1 - 13
D. Corporate status	1–16
E. The doctrine of ultra vires	1–19
F. Local authorities and European Community Law	1-80
G. The European Charter of Local Self-Government	1-82
H. Regional bodies	1-86
Chapter 2 ACQUISITION OF POWERS	2-01
A Table 1 and 1 an	2 02
A. Local legislation	2-02
B. Adoptive acts	2–11
C. Provisional orders	2-12
D. Orders subject to special parliamentary procedure	2–13
E. The influence of local authorities in the legislative field	2–14
Chapter 3	
LOCAL AUTHORITY AREAS AND STATUS	3-01
A. Areas and status	3-02
B. Alterations in area and status	3-13
C. Electoral arrangements	3-29
D. Miscellaneous provisions	3-32
E. Financial and other adjustments	3–33
F. Changes of name of local authority areas	3–34
G. Reorganisation of status and functions under the Local	5 5 1
Government Act 1985	3-35
H. Reorganisation consequent on abolition of ILEA	3–38
I. Reorganisation under the Local Government Act 1992	3-39
J. Reorganisation under the Local Government (Wales) Act 1994	3-40
Trongamisation under the Local Government (wates) Act 1994	5-40

Contents

Chapter 4 THE ADMINISTRATIVE MACHINERY OF LOCAL AUTHORITIES	4–01
 A. Constitution of councils, joint authorities and committees B. Executive arrangements C. Meetings and access to information D. Members E. Officers F. Disposal of local authority business G. Local authority companies H. Publication of information I. Commissions for local administration J. Inquiries 	4-02 4-09 4-26 4-125 4-144 4-174 4-183 4-190 4-203
Chapter 5 ACQUISITION, APPROPRIATION, DISPOSAL AND DEVELOPMENT OF LAND	5-01
I. AcquisitionA. Powers and dutiesB. Compulsory purchase procedure	5-01 5-02 5-08
II. Appropriation, disposal and development	5–44
Chapter 6 BY-LAWS	6-01
 A. By-law making powers B. Procedure for the making of by-laws C. Judicial tests as to validity D. Penalties and enforcement E. Waiver, relaxation and repeal 	6-02 6-04 6-06 6-11 6-14
Chapter 7 BEST VALUE AND COMPETITION by Colin Crawford	7–01
 A. Overview B. Best Value C. Non-commercial considerations D. Transfer of undertakings E. Further contracting out F. European public procurement controls 	7-01 7-07 7-26 7-30 7-31 7-33
Chapter 8 TORT, CONTRACTS, AND CRIMINAL LIABILITY Contracts written by Colin Crawford	8–01
I. Tort	8_01

		CONTENTS
A. B.	General principles of tortious liability Construction of statutory powers	8-03
C. D. E.	Failure to perform statutory duties Negligence in the performance of statutory functions Deceit	8-22 8-31 8-73
F.	Liability of local authorities as occupiers of premises in relation to visitors and trespassers Trespass, nuisance and the rule in Rylands v Fletcher	8-74 8-85
H. I. J.	Misfeasance in a public office Personal liability of members and servants Compensation for maladministration	8–90 8–96 8–99
II. A. B. C.	Contracts Powers to contract The exercise of contractual powers Exclusion of liability and unfair terms	8-100 8-101 8-107 8-116
III.	Criminal Liability	8–119
	oter 9 NTRAL CONTROL OF LOCAL AUTHORITIES	9–01
B. C. D.	General powers of control Statutory forms of control Trends in central control Consultations "Rebuilding trust"	9-01 9-05 9-33 9-37 9-41
JUE LEC	oter 10 DICIAL CONTROL OF LOCAL AUTHORITIES, GAL PROCEEDINGS BY AND AGAINST LOCAL THORITIES AND THE HUMAN RIGHTS ACT 1998	
A. B. C. D. E.	Judicial Control of Local Authorities Jurisdictional control Failure to exercise discretion Abuse of discretion Natural justice Error of law on the face of the record Remedies Exclusion of judicial review	10-01 10-04 10-08 10-31 10-62 10-84 10-86 10-128
II.	Legal Proceedings by and against Local Authorities	10-129
III.	The Human Rights Act 1998	10-137
and the same of th	pter 11 CAL ELECTIONS	11-01
A.	Electoral areas	11-02

CONTENTS

C. D. E. F. G.	The franchise The registration of electors Candidature The conduct of elections Questioning an election Election offences Elections to fill a casual vacancy	11-03 11-10 11-13 11-32 11-46
PA	RTII	
LO	pter 12 CAL AUTHORITY FINANCE Colin Crawford	12–01
A.B.C.	Framework for expenses and receipts Charges and trading Capital expenditure and finance Investments	12-06 12-32 12-37 12-63
AU	pter 13 DIT Colin Crawford	13-01
A. B.	Internal audit External audit	13-02 13-05
TH	pter 14 E GRANT SYSTEM Colin Crawford	14-01
A. B.	Specific grants Revenue support grant	14-03 14-14
NO	pter 15 N-DOMESTIC RATES Colin Crawford	15-01
B. C. D.	The basis of rating The measure of liability and setting the rate Exemptions, special cases and personal reliefs Rating valuation The recovery of rates Pooling and distribution of rates Business Improvement Districts	15-03 15-13 15-21 15-38 15-47 15-54
	pter 16 UNCIL TAX	16-01
A.	The tax	16-03

В.	The lists	16
C.	Setting the tax	16
D.	Liability	16
E.	Appeals	16
F.	Collection and enforcement	16
PA	RT III APPENDICES	
App ALI	endix A LOCATION OF PRINCIPAL FUNCTIONS	A
Α.	Metropolitan areas	Α
B.	Non-metropolitan areas in England	A
	Unitary authorities	A
.	Jilluly deviloring	1 1
	endix B	
	NCIPAL POWERS AND DUTIES OF PARISH	
AN	D COMMUNITY COUNCILS	B
SPI	BLE OF THE MORE COMMONLY USED ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY	C
SPI THI App	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D BLE OF PRINCIPAL LICENSING AND	
SPI THI App	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D	
SPI THI App	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D BLE OF PRINCIPAL LICENSING AND GISTRATION FUNCTIONS	D
SPI THI App TAI RE	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D BLE OF PRINCIPAL LICENSING AND GISTRATION FUNCTIONS Functions exercised by district councils	D
SPI THI App TAI REC	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D BLE OF PRINCIPAL LICENSING AND GISTRATION FUNCTIONS	D
SPI THI App TAI REC	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D BLE OF PRINCIPAL LICENSING AND GISTRATION FUNCTIONS Functions exercised by district councils Functions exercised by non-metropolitan county councils and	D
SPI THI App TAI RE A. B.	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D BLE OF PRINCIPAL LICENSING AND GISTRATION FUNCTIONS Functions exercised by district councils Functions exercised by non-metropolitan county councils and fire authorities	
SPI THI App TAI RE A. B.	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D BLE OF PRINCIPAL LICENSING AND GISTRATION FUNCTIONS Functions exercised by district councils Functions exercised by non-metropolitan county councils and fire authorities Functions exercised by non-metropolitan county and metropolitics Functions exercised by non-metropolitan county and metropolitics	D I D
SPI THI App TAI RE A. B.	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D BLE OF PRINCIPAL LICENSING AND GISTRATION FUNCTIONS Functions exercised by district councils Functions exercised by non-metropolitan county councils and fire authorities Functions exercised by non-metropolitan county and metropolitan district councils	D D D D D
SPITAL Approximately A. B. C. D. E.	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D BLE OF PRINCIPAL LICENSING AND GISTRATION FUNCTIONS Functions exercised by district councils Functions exercised by non-metropolitan county councils and fire authorities Functions exercised by non-metropolitan county and metropolitan district councils Functions exercised by county and district councils Functions exercised by the police	D D D D D
SPI THI App TAI RE A. B. C. App	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D BLE OF PRINCIPAL LICENSING AND GISTRATION FUNCTIONS Functions exercised by district councils Functions exercised by non-metropolitan county councils and fire authorities Functions exercised by non-metropolitan county and metropolitan district councils Functions exercised by county and district councils Functions exercised by the police endix E	
SPI THI App TAI RE A. B. C. App	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D BLE OF PRINCIPAL LICENSING AND GISTRATION FUNCTIONS Functions exercised by district councils Functions exercised by non-metropolitan county councils and fire authorities Functions exercised by non-metropolitan county and metropolitan district councils Functions exercised by county and district councils Functions exercised by the police	
SPI THI App TAI RE A. B. C. App	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D BLE OF PRINCIPAL LICENSING AND GISTRATION FUNCTIONS Functions exercised by district councils Functions exercised by non-metropolitan county councils and fire authorities Functions exercised by non-metropolitan county and metropolitan district councils Functions exercised by county and district councils Functions exercised by the police endix E	
SPI THI App TAI RE A. B. C. App	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D BLE OF PRINCIPAL LICENSING AND GISTRATION FUNCTIONS Functions exercised by district councils Functions exercised by non-metropolitan county councils and fire authorities Functions exercised by non-metropolitan county and metropolitan district councils Functions exercised by county and district councils Functions exercised by the police endix E T OF PRINCIPAL BY-LAW MAKING POWERS	
SPI THE App TAI RE A. B. C. D. E. App LIS	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D BLE OF PRINCIPAL LICENSING AND GISTRATION FUNCTIONS Functions exercised by district councils Functions exercised by non-metropolitan county councils and fire authorities Functions exercised by non-metropolitan county and metropolitan district councils Functions exercised by county and district councils Functions exercised by the police endix E T OF PRINCIPAL BY-LAW MAKING POWERS	D D D D D
SPI THE App TAI RE A. B. C. D. E. App LIS	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D BLE OF PRINCIPAL LICENSING AND GISTRATION FUNCTIONS Functions exercised by district councils Functions exercised by non-metropolitan county councils and fire authorities Functions exercised by non-metropolitan county and metropolitan district councils Functions exercised by county and district councils Functions exercised by the police endix E T OF PRINCIPAL BY-LAW MAKING POWERS	D D D D D
SPI THE App TAI RE A. B. C. D. E. App LIS	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D BLE OF PRINCIPAL LICENSING AND GISTRATION FUNCTIONS Functions exercised by district councils Functions exercised by non-metropolitan county councils and fire authorities Functions exercised by non-metropolitan county and metropolitan district councils Functions exercised by county and district councils Functions exercised by the police endix E T OF PRINCIPAL BY-LAW MAKING POWERS	D D D D D
SPI THE App TAI RE A. B. C. D. E. App LIS	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D BLE OF PRINCIPAL LICENSING AND GISTRATION FUNCTIONS Functions exercised by district councils Functions exercised by non-metropolitan county councils and fire authorities Functions exercised by non-metropolitan county and metropolitan district councils Functions exercised by county and district councils Functions exercised by the police endix E T OF PRINCIPAL BY-LAW MAKING POWERS	D
SPI THE App TAI RE A. B. C. D. E. App LIS	ECIFIC STATUTORY POWERS AUTHORISING E PURCHASE OF LAND COMPULSORILY endix D BLE OF PRINCIPAL LICENSING AND GISTRATION FUNCTIONS Functions exercised by district councils Functions exercised by non-metropolitan county councils and fire authorities Functions exercised by non-metropolitan county and metropolitan district councils Functions exercised by county and district councils Functions exercised by the police endix E T OF PRINCIPAL BY-LAW MAKING POWERS	D D D D D