

By some the Bill he now
needs second time.

Maiden -

June 1908.

①
Purpose.

To guard the rights of
the public by enabling the
public to obtain
information to be obtained
in regard to the actions
of their representatives upon local
authorities.

Public - no right of admission

local Govt. carried on in their

name by people they elect

representatives, - electors have a

right to know of the authority a
duty to inform them about as much
as possible.



② Balance

Public Knowledge - Need to keep Privacy



Balance between the two

Rates payee	- £530
Tax payee	£628
Trading	£570

£1000
 £206
 ↓
 Individual circumstances

↓
Individual Utilities

↓
administrative convenience

- but -

Franks Committee
 Publicity is in itself an effective
 check against arbitrary action.

To deal - public consequence
 various needs for social reform.



History.

1901 Act.

Applied Councils & many
other local authority bodies.

Education Committee -
with delegated powers.

1929. Board of Governors.

1930 - Transfer to South Shields

Provision no longer carried
out its purpose.

1933. Local Const Act.

s. 85 - Power to appoint
any member of committees
with any sub-committees.

1944



Education Act.

1978

Chairman of do.

1949.

1st - Member for Westbury

1957.

2nd - Salisbury.

1956

^{PM} - President of the General
Teachers' Conference



Events of last summer,



①

2(2)

To what extent does this
Bill admit the Press.

1) Council Meetings.

2) Committees which have
delegated powers

Note - none other by virtue
of the Bill. - L.A.

may
but the Bill does not
entitle them to attend.



2

When the Peril have been admitted - under what circumstances can they be excluded.

(2)

How we set about drafting

them.

Personal Circumstances

Salary conditions Service
professional conduct of a
particular official

Preliminary discussion about the
possible acquisition of land
dismission of tenders

Contemplation of legal proceedings
against - particular persons



Publicity prejudicial to Public Interest
by reason of -

confidential nature
of business which transacted

in former
specification
stated in
resolution

(B)

Clause 2 (3)

Consequential Provisions.

2 (4)

N.B. Committee may not resolve
its self into committee merely
or exclude the press.

Exclusion -

should be for
good reason - not hypothetical or for
administrative convenience.



③ Documents.

1 (3) (w)

Appendix (including that which they take in private)

Further details of anti-trust

"it, though - fit"



4

2(b),

Qualified Privilege.

It was not dispute
... that a privileged occasion
is in reference to qualified
privilege an occasion where the
person who makes a communication
has a public interest or a duty
legal, social or moral to make it
while the person to whom it is made
and the person to whom it is to
be made has a corresponding interest
or duty to receive it. This
reciprocity is essential.

The defence of fair comment requires that the material fact on which the comment is based should be truly stated & be a matter of public interest & that the comment is

criticism on the facts or facts should be fair within the wide limits which the law allows. It is for the trial judge to say whether the matter is one of public interest.

There is no restriction on comments in newspapers or disseminated for the use of the ordinary members of the public. It is available to any one since the facts of the journalist is an ordinary part of the facts of the subject.

The public acts of public men are certainly matters of public interest on which any one may comment.



if it is done fairly & honestly.

A personal imputation does not as a matter of law destroy a plea of fair comment.

S. 7.

Clause 2(6) serves to preserve qualified privilege which would otherwise ~~be~~ not be preserved if the press ^{was} ~~would~~ present.

Sanctions & Penalties.



(5)

Sanctions

Relator Action.

S. 228 (1)(d)

Davies v Cooper Thwaité.

1938 2 ACR 685 -



6

Schedule Scotland

Probation Committee

To provide for the efficient carrying
out of the work of the Probation
Service.

Endings

At this point, Acknowledge helps.

No system of local
foot- will work really well
unless counsils have the interest
& support of people in their
areas.

Tendency for ^{suspect} dislike local
foot → Secrecy, and
greater amount of work which goes
on behind closed doors.

- Outside looking in

Code of Practice with legislative
force.

Finally, own shortcomings -
2nd reading.

Worth of the our unit



Worth of the our unit



Trans. J. p. 619

I should not be surprised
to hold that a member of a
council even though he were
admitted by the clerk that an
act that he was proposing to
do was not lawful would
necessarily be guilty if
misconducted. It nevertheless
boastfully believing that the advice
which was given to him was
erroneous, he proceeded to do that,
ad. As to do I agree with
great respect with what had
been said by C. J. ...



Davidson Low Perth Waste
(1938) 2 AU ER 685

By a resolution dated
9th Apr. 1938, and U.S.C.
resolved to make a contribution
of £:30 out of the rate fund
in support of a march of
unemployed persons London to
protest against the unemployment
assistance regulations. The resolution
was passed, although the clerk of the
Council advised that such a payment
would be illegal and that the
members of the Council responsible



Therein would be liable or
be discharged.

By resolution Apr 5th 1936

The Honorable U.D.C. resolved
to ~~approve~~ pay £30 out of the
fund of approx. a month
to take place ~~at~~ in connection
with a protest against the

Unemployment - Amintine Penalties
1936

Clerk advised
there was no authority in
law for making any such
payment - that if a payment
were made it would be illegal.
That the members voted
being responsible for financing



Author of the same name should be
 liable to be discharged.

of 500 - as per copy of that
 resolution became known to him

the present applicant to it.

Williams applied with recitation

of the facts and of the
 order of the committee

the amount for - contribution
 made out of the rate paid towards

the expenses of the council of the
 unemployed.

Steps a number of similar cases
 have been taken

Bill No 15 £ 5 - 2.

... mere impudence
want of judgment - or even a
grave error of judgment - cannot
be called misconduct. It is
a different matter however if
it appears that notwithstanding
a warning that the conduct
which is proposed is unlawful,
& without in any way
combating the correctness of
that advice a member of the
Council nevertheless takes part
in passing a resolution which
he is told is an illegal resolution.
That is what in my view has
been done by the members of this



Council who voted for the
resolution of 9th September
It has been pointed out
in argument - that not
one of them has at any time
come forward to say that he
voted for the resolution
under the impression that it was
a lawful thing to do.

On the contrary, it is said
that when they were warned
of the illegality of what they
were proposing to do, the
individual members said "Well
never mind, if we cannot do it"

lawfully, we still pay the
money ourselves." It seems to
me that to act in that
way does amount to miswonder
within the meaning of
s. 228 (1)(d).

The sum of £520.00
has been defined which
has been incurred by reason of
that miswonder.

de Prof.

These committees acted in a
way in which no reasonable man
acting reasonably or desiring to
do up their duty with respect
according to law, would have acted.