

## **ADVICE NOTE: Annual Parish Meeting (England)**

### **Introduction**

1. There can be, and often is, confusion between the Annual Parish Meeting and the Annual Meeting of the Parish Council. This Advice Note concerns the Annual Parish Meeting for a parish in England. For Wales, see the separate advice note on Community Meetings in Wales.
2. Throughout this Advice Note reference to the Annual Parish Meeting should also be taken to mean the Annual Town Meeting, or any derivation thereof.
3. This Advice Note is specific to an Annual Parish Meeting in a parish where there is a Parish Council. Parishes without a Parish Council are also required to hold an Annual Parish Meeting, and further and specific advice should be sought from the SLCC Advisory Service in this instance.
4. Most of the law which governs Parish Meetings is in Part III of Schedule 12 to the Local Government Act 1972.

### **Date and Time**

5. A Parish Meeting must be held once a year, between 1st March and the 1st June (inclusive), i.e. the Annual Meeting. The meeting should not commence before 6.00 pm.
6. Other Parish Meetings may be held during the year and should not commence before 6.00 pm.

### **To Summon a Meeting**

7. The Annual Meeting is usually summoned by the Chairman of the Parish Council. But the full list of those empowered to summon a meeting is:
  - i. the Chairman of the Parish Council, or
  - ii. two Parish Councillors, or
  - iii. six local government electors.

### **Notices and Agenda**

8. Public notice of the meeting must be given in accordance with the timescales required by statute (see paragraph 12 below). The Notice must state the date, time and place of the intended meeting and the business to be transacted at the meeting. If it is not practical to include the full agenda papers with the Notice, the Notice should state where a copy of the full agenda papers can be seen or obtained.
9. The Notice to convene the Meeting should be signed the person or persons convening the meeting, that is, by the Chairman of the Parish Council, the two Parish Councillors, or the six local government electors, as appropriate, (and not by the Clerk).

10. The Notice should be displayed in some conspicuous place (or places) in the Parish. Copies may also be sent to Parish Councillors, other elected representatives (District and County Councillors, M.P., M.E.P. etc) and circulated to local organisations in the Parish. The greater the publicity, the more likely the meeting is to be well-attended.
11. The Agenda should specify the business to be transacted in a manner which is clear to those reading it. That is to say, the usually ambiguous “Any Other Business” and similar misleading subjects should always be avoided.
12. The period of notice required to convene the meeting is not less than 7 days, except if it relates to the establishment or dissolution of a Parish or to the grouping of a Parish with another parish or parishes under a common parish council, in which case 14 days’ notice is required. If it is proposed that a Parish Meeting should provide a pension scheme for employees, there may be a special notice period for a meeting making such a decision and this point should be checked in advance.
13. If it is practical to give longer periods of notice, this may have the benefit of enabling more people to attend the meeting.

### **Chairmanship**

14. The Chairman of the Parish Council, if present, must preside. If the Chairman is absent, the Vice-Chairman, if present, presides. In the absence of both the Chairman and Vice Chairman of the Parish Council, the Parish Meeting elects a Chairman for that meeting.
15. If the Chairman of the Meeting (be it the Chairman of the Parish Council, Vice-Chairman of the Parish Council or another person elected by the Meeting) is a local government elector for the Parish, he or she is entitled to the usual two votes of a Chairman (an original vote and, in the event of an equality of votes, a second or casting vote). However, if the person presiding is not a local government elector for the Parish, he or she has the power to exercise a “casting vote”, but does not have the right to an original vote.
16. If the person presiding is not a local government elector, there is some doubt as to whether he or she has the right to “propose” matters from the Chair. For the avoidance of any doubt, Members are advised in these circumstances to arrange for all formal propositions (approving the Minutes etc.) to be made from the floor of the Meeting.

### **Who can Attend?**

17. The Annual Parish Meeting is a meeting of all the local government electors for the Parish. It is NOT a Meeting of the Parish Council, which the public can participate in, and great care should be taken with the room layout to avoid any impression that this is a Parish Council Meeting.
18. The Electoral Registration Officer must, at the request of the Parish Council, provide a copy of the Register of Electors for the Parish. This can be used to verify the qualifications of those attending, or as an “Attendance Register”. (N.B. Care should be taken with the Register of Electors, as use for other purposes (e.g. searching for people) is an offence.
19. Members of the Public (i.e. those who are not local government electors for the Parish) are also entitled to attend, but have no right to speak or vote on any matter. It is suggested that such

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“Members of the Public” be seated separately from the “Electors” to avoid any possible confusion for the Chairman in the event of a vote, or a request to speak.

20. The press have the same rights of attendance as at a Parish Council Meeting, and should be afforded the usual facilities.
21. Parish Councillors, who are also electors for the Parish, have the same rights to attend, vote and speak as any other “Elector”. There are no additional “rights” for Parish Council Members, except for the Chairman or Vice Chairman (see paragraphs 14 to 16 above).
22. Parish Councillors who are not electors for the Parish have the same rights to attend as a “Member of the Public” and have no rights to speak, or vote (save for the Chairman or Vice-Chairman - see paragraphs 14 to 16 above), but may be invited to speak for their specialist knowledge of a particular subject under discussion.

### **Business of the Meeting**

23. Experience shows that a meagre agenda with little to discuss will produce a poorly attended, over-long meeting, which will provide an ideal opportunity for most of the audience to drop off to sleep! It is usual for the Chairman of the Parish Council (or perhaps the Chairmen of Parish Council Committees, where they exist) to present a verbal “annual report” of the activities of the Parish Council, highlighting significant achievements etc.
24. Whilst the timing of the Meeting (March, April or May) will not allow for a detailed Financial Report to be presented, it may be possible for a brief Financial Report to be given (perhaps in the form of a PowerPoint presentation) subject to a prior warning that the figures quoted are only provisional, and still subject to audit.
25. Other items which may be on the agenda, include:
  - i. The Attendance Record of Parish Council Members.
  - ii. Where there are one or more Parochial Charities, their Accounts could be presented to the Meeting, perhaps by a trustee of the Charity.
  - iii. Where the Chairman/Mayor raises funds for local organisations/charities, the presentations could take place during the meeting, with recipients been asked to give a brief outline of the intended use of the donation.
  - iv. Likewise, where the Parish Council uses Section 137 (LGA 1972), to provide grants to local organisations, they could be invited to explain how these funds will be used.
  - v. A representative of a local organisation (e.g. W.R.V.S. Branch) could be invited to speak (briefly) on the work of that organisation. (This will increase attendance as the speaker will not come alone!).
  - vi. There may be a local issue which is causing concern – include it on the agenda – Village Appraisals, Village Design Statements, Market Town SWOT’s etc.

Although not necessarily an item for the Agenda, it is useful to have the date of the Notice to convene the Meeting mentioned at the opening of the meeting and recorded in the Minutes.

26. There is no short-cut to preparing an interesting, informative and attractive Agenda. It requires preparation, so discuss possible Agenda items with the Chairman throughout the year (rather than 3 weeks before the meeting!). The Key Questions (for any meeting) are:  
**WHY** are we meeting?  
**WHAT** do we want to achieve?

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**WHO** has specialist knowledge in this field?

**WHEN** are we meeting?

**WHERE** (in a suitable room in the Parish)?

### **Voting**

27. All decisions of the Parish Meeting should be by a show of hands of the “Electors” present and the person chairing the meeting will have the voting rights set out in paragraph 15 above. (“Members of the Public” should not vote.)
28. At present, any matter which is decided by a Parish Meeting can be the subject of a Parish Poll (Referendum) provided:
- i. a Poll is demanded before the end of a Parish Meeting on any matter which the Parish Meeting has discussed and voted on; and
  - ii. either ten local government electors, or one third of the local government electors present, whichever is the less, demand the poll **or** the person presiding at the Meeting consents to a poll.
29. At present, a Poll cannot be demanded if the subject matter has not been discussed at the Parish Meeting, or was discussed, but no vote on it took place.
30. Changes to the legislation on parish polls (which are not yet substantially in force) provide that:
- A poll may be demanded before the conclusion of a parish meeting on any question arising at the meeting, subject to regulations.
  - The Secretary of State may by regulations make provision about polls consequent on parish meetings, in particular about—
    - (a) the questions arising at a meeting on which a poll may be demanded,
    - (b) the circumstances in which a poll may or must be taken (including provision as to the number of local government electors who must demand a poll for a poll to be taken), and
    - (c) the conduct of a poll.
- No such regulations have been made as yet.
31. Great care should be exercised in the precise wording of any proposed question for a Parish Poll. The matter should be phrased in such a manner that a simple “Yes” or “No” answer is conclusive.
32. The conduct of a Parish Poll is a matter for the Electoral Registration Officer at the District Council, to whom the request for a Parish Poll should be reported with all possible haste. The Parish Council is responsible for all costs arising from the conduct of a Parish Poll.
33. A “wise” Clerk will check in advance the likely costs of a Parish Poll and build such costs into a suitable contingency fund when the Annual Estimates of the Council are prepared.

### **FURTHER READING**

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- Part III of Schedule 12 to the Local Government Act 1972
- Section 42 of the Local Audit and Accountability Act 2014 amends paragraph 18 of Part III of Schedule 12 to the Local Government Act 1972, but at the time of writing the changes are not in force, except for those relating to the Secretary of State's power to make regulations.
- SLCC Clerks' Manual, Section A
  - Parish Meetings and Community Meetings
  - Parish Polls and Community Polls
- Local Council Administration, 10th edition - Chapter 10, The English Parish or Town's Meeting.