

**September 2011**

## **MEETINGS OF PARISH MEETINGS**

### **Introduction**

1. The law in respect of parish meetings is set out in sections 9 and 13 and Part 3 of Schedule 12 to the Local Government Act 1972.
2. A parish meeting consists of the local government electors of a parish and the purpose of the meeting is to discuss parish affairs. There is no statutory definition or caselaw to determine what constitutes a “parish affair”. NALC is of the view that a parish affair could be any local issue, activity, subject matter which specifically affects a particular parish and which a parish meeting may wish to discuss, debate and potentially influence. It would exclude matters which affect all parishes in the country equally. Please also see the NALC Legal Briefing issued in 2009 for further guidance on the procedure for convening a meeting (or assembly) of a parish meeting, the powers of a parish meeting and the scope of matters which may be the subject of a consequent poll.
3. Meetings of a parish meeting are an effective forum for parish and town councils to engage with the local electorate. Even if the parish or town council disagrees with the issues raised, or related arguments, the council members’ attendance and involvement in the parish meeting would demonstrate that the council is prepared to take account of local residents’ views, which they must hold strongly if they have gone to the trouble to convene and attend a meeting of a parish meeting in the first place.

### **Convening a meeting**

4. A meeting of a parish meeting may be convened by any of the following:
  - the chairman of the parish council;
  - any two parish councillors for the parish;
  - where there is no parish council, the chairman of the parish meeting or any

person representing the parish on the district council;

- any six local government electors of the parish.

5. Public notice of the meeting must be given at least 7 clear days beforehand (subject to paragraph 6 below). The notice must:

- specify the time and place of the intended meeting;
- specify the business to be transacted at the meeting; and
- be signed by the person or persons convening the meeting.

6. Notice of the meeting is to be given by:

- posting a notice of the meeting in some conspicuous place or places in the parish, and
- in such other manner, if any, as appears to the person or persons convening the meeting to be desirable for giving publicity to the meeting.

7. Where the meeting is convened to discuss the specific issues set out below, public notice of it must be given of it at least 14 clear days beforehand. The specific issues are as follows:

- the establishment or dissolution of a parish council, or
- the grouping of the parish with another parish or parishes under a common parish council.

### **Times and Number of Meetings**

8. The parish meeting of a parish must assemble annually on some day between 1st March and 1st June, both inclusive, in every year. In a parish which does not have a separate parish council, the parish meeting shall, subject to any provision made by a grouping order, assemble at least on one other occasion in the year. In other cases, subject to the aforementioned requirements, meetings of parish meetings shall be held on such days and at such times as may be fixed by the parish council or, if there is no parish council, by the chairman of the parish meeting.

9. The proceedings at a parish meeting shall not commence earlier than 6 o'clock in the evening and may not be held in premises which are used for the supply of alcohol unless no other room is available free or at a reasonable cost.

## **Attendance of the Chairman of the Parish Council**

10. The chairman of a parish council shall be entitled to attend a parish meeting for the parish whether or not he is a local government elector for the parish, but if he is not an elector for the parish he shall not be entitled to give any vote at the meeting other than any casting vote which he may have (see paragraph 12 below).

## **Presiding at the Meeting**

11. In a parish having a separate parish council the chairman of the parish council, if present, must preside at a parish meeting and if he is absent the vice-chairman (if any) must, if present, preside. In a parish which does not have a separate parish council, the chairman of the meeting, if present, shall preside.
12. If the chairman and the vice-chairman of the parish council or the chairman of the parish meeting, as the case may be, is absent from an assembly of the parish meeting, the parish meeting may appoint a person to take the chair, and that person shall have, for the purposes of that meeting, the powers and authority of the chairman.

## **Attendance, Voting and Polls**

13. Pursuant to the Public Bodies (Admission to Meetings) Act 1960, a meeting of a parish meeting must be open to the public, who are free to attend as they wish. However only local government electors for the parish are qualified to vote at a meeting of parish meeting or a poll consequent thereon. Each elector can give one vote on any question and no more. A question to be decided by a parish meeting shall, in the first instance, be decided by the majority of those present at the meeting and voting thereon, and the decision of the person presiding the meeting as to the result of the voting shall be final unless a poll is demanded. In the case of an equality of votes, the person presiding at the meeting shall have a casting vote, in addition to any other vote he may have.
14. A poll may be demanded before the conclusion of a parish meeting on any question arising at the meeting; but no poll shall be taken unless either the person presiding at the meeting consents or the poll is demanded by not less than ten, or one-third of the local government electors present at the meeting, whichever is the fewer.

15. A poll consequent on a parish meeting shall be a poll of those entitled to attend the meeting as local government electors, and shall be taken by ballot in accordance with the Parish and Community Meetings (Polls) Rules 1987 as amended. The rules provide that if a poll is demanded, the chairman of the parish meeting shall notify the district council in which the parish is situated and the council shall appoint an officer to be a returning officer. Essentially, the procedure is similar to that of electing a local councillor.

### **Expenses of Parish Meetings**

16. In a parish having a separate parish council whether separate or common, the expenses of the parish meeting (including the expenses of a poll) shall be paid by the parish (section 150 of the Local Government Act 1972).

### **Parish Meeting Resolutions**

17. A parish meeting's resolutions will not be binding on the parish council save in exceptional circumstances (e.g. a resolution for a parish council to provide allotment gardens will trigger a parish council's duty under s. 23 Small Holdings and Allotments Act 1908 to consider if their provision of allotment gardens is sufficient to meet demand). Unless one of the exceptions apply, the parish meeting's resolutions will be persuasive only and the council will need to decide if it wishes to disregard them. The council may wish to consider the consequences of boycotting the parish meeting or ignoring any resolutions made by the meeting in terms of the unpopularity that this may ultimately cause.

### **Other Legal Topic Notes (LTNs) relevant to this subject:**

<b>LTN</b>	<b>Title</b>	<b>Relevance</b>
3	The Powers of a Parish Meeting in Parish without a separate Parish Council.	Sets out the statutory functions of parish meetings.

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