

Theale Parish Council

A Guide to Parish Meetings and Parish Polls

Introduction

Section 9 of the Local Government Act 1972 states that 'for every parish there shall be a parish meeting for the purpose of discussing parish affairs and exercising any functions conferred on such meetings by any enactment...'

Section 13 of the Act states that 'the parish meeting of a parish shall consist of the local government electors for the parish'.

A parish meeting is a public body exercising public functions.

Convening the Parish Meeting

A parish meeting has to be properly convened. It is convened either by the chairman of the parish council, or by two councillors of the parish or by six local government electors of the parish.

Proper notice of the meeting must be given not less than seven clear days before the meeting. This must specify the time and place, the business to be transacted at the meeting, and it must be signed by the person(s) convening the meeting. The notice must be posted in some conspicuous place or places or given in such a manner that it will give publicity to the meeting.

The time and place of the meeting is specified: it must not be held before 6:00 p.m. and must not be held in premises used for the supply of alcohol (unless there are no other suitable venues).

The National Association of Local Councils (NALC) advises that parish councils '*should endeavour to secure the largest possible turn out at a parish meeting so that the local electorate, with careful steering from the chairman of the parish council, can debate and democratically decide any business which legitimately features on the agenda and further decide if a poll on any question arising is required.*'

The Meeting

The chairman of the parish council is entitled to attend, and if s/he is present s/he shall preside over the meeting. If s/he is absent, the vice-chairman shall, if present, preside. NALC urges the parish council chairman to attend; without him or her 'the meeting risks being procedurally defective and may need to be reconvened at a later date. Conversely, the non-attendance of the chairman or vice-chairman at a parish meeting could be disastrous.'

In particular, NALC urges that the parish council chairman will be in a position to ensure that the parish meeting only considers parish affairs, that any call for a poll relates to parish affairs, that the cost of funding a parish poll will be borne by the parish council and ultimately by the electors, and that the outcome of a poll is not binding.

If the chairman and vice-chairman are absent, the meeting may appoint a person to chair the meeting.

The meeting's chairman will have the usual powers and authority of chairman and has a casting vote in addition to his own vote.

At a meeting, an issue is decided by a majority of those present and voting. Each local government elector present has one vote on an issue which is put to the vote.

Parish councils have a right to obtain a copy of the electoral register from the Electoral Registration Officer 'for the purpose of establishing whether any person is entitled to attend and participate in a

meeting of or take any action on behalf of the parish or community as the case may be'. No person supplied with the full register shall supply a copy of it, disclose any information it contains or make use of such information other than for the particular purpose for which the copy is supplied.

Minutes of the meeting shall be drawn up and entered in a book provided for the purpose and shall be signed at the same or the next parish meeting by the chairman. Any minute purporting to be so signed shall be received in evidence without further proof.

Until the contrary is proved, a parish meeting for which minutes have been made and signed shall be deemed to have been duly convened and held, and all the persons present at the meeting shall be deemed to have been duly qualified.

It is considered that the validity of a parish meeting can only be challenged by way of legal process.

The Call for a Poll

A poll may be demanded before the end of a parish meeting on any question arising at the meeting, but no poll shall be held unless the person presiding at the meeting consents to it or the poll is demanded by 10 or one third of the local government electors present (whichever figure is the less).

The parish meeting does not vote on whether or not to have a poll once this call has been made.

The poll is a poll of the local government electors of the parish.

The Question

The meeting does, however, vote on the question which is to be put in the poll, and each local government elector present may give one vote and no more on any question.

The proposer of the question becomes a key figure in the subsequent poll and the proposer's name and address will need to be recorded by the clerk of the meeting.

The form of words used in the question itself is also important. The chairman should ensure that the question can be voted for either 'yes' or 'no'. The question should not lend itself to vague or double-negative answers.

Once the wording has been agreed at the meeting, the question cannot be changed.

The Returning Officer (at WBC) is notified. The chairman of the meeting has a duty to provide the Returning Officer with –

- the question
- the name and address of the proposer of the question
- the date of the parish meeting.

The Returning Officer will consider whether a poll shall be held, and in most cases the Returning Officer's duties will be clear cut.

Preparations for the Poll

The poll must take place between 14 and 25 days after the poll was demanded, with the publication of the Notice of Poll five days before polling day. These days are calculated excluding Saturdays, Sundays and Bank Holidays.

Conducting the Poll

The rules for the conduct of the poll are similar to those common to all elections, with some variations or exceptions:

- Polling is between 4.00 pm and 9.00 pm
- There are no provisions for electors' poll cards or for postal or proxy voting
- The notice of poll must include the date, time and place of the poll, a description of the electors who may vote and the particulars of the question with the name and address of its proposer.

The form of the ballot paper is prescribed in the rules; the wording of the question is an important consideration.

Who pays for the Poll?

The cost of holding the poll falls on the parish council, and therefore on Council Tax payers.

Conclusion

The outcome of the poll is no more and no less than an expression of the views of the electorate of the parish who have voted in the poll. It is not binding.

This guidance is provided for information only.