



Stratfield Mortimer Parish Council Guidance Notes on Annual Parish Meetings

Guidance Notes (bold type indicates Stratfield Mortimer Parish Council's (SMPC) interpretation of NALC LTN 006 – July 2009)

An Annual Parish Meeting is a meeting of the people of the parish. A Parish Council Meeting is a meeting of the Parish Council.

Introduction

1. The law in respect of Annual Parish Meetings is set out in sections 9 and 13 and Part III of Schedule 12 to the Local Government Act 1972.
2. An Annual 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 case law 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.
3. Meetings of an Annual Parish Meeting are an effective forum for parish councils to engage with the local electorate. Even if the Parish Council disagrees with the issues raised, or related arguments, the council members' attendance and involvement in the Annual 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 an Annual Parish Meeting in the first place.

Convening an Annual Parish Meeting:

4. An Annual Parish Meeting may be convened by any of the following:
 - the Chairman of the Parish Council;
 - any two Parish Councillors for the parish;
 - any six local government electors of the parish.
5. Public notice of the meeting must be given at least 7 clear days beforehand. The notice must:
 - specify the time and place of the intended meeting;
 - specify the business to be transacted at the meeting;
 - be signed by the person or persons convening the

meeting.

- advise that the minutes of the previous meeting will only be on display on the evening of the Annual Parish Meeting and that no individual copies will be given out at the meeting and
- copies of the previous Annual Parish Meeting Minutes are available on the SMPC website or by hard copy upon application to the Parish Clerk.

- 6. Notice of the Annual Parish Meeting is to be given by: posting a notice of the meeting on the Parish Council notice boards, and the SMPC website.**

Times of Annual Parish Meetings:

- 7. The Annual Parish Meeting of a parish must assemble annually on some day between 1st March and 1st June, both inclusive, in every 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.**
- 8. The proceedings at an Annual 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.**

Presiding at the Annual Parish Meeting

- 9. The Chairman of the Parish Council, if present, must preside at the meeting. If the Chairman is absent, the Vice Chairman must, if present, preside. If the Chairman and Vice Chairman of the Parish Council are both absent for the Annual Parish Meeting then the Parish Council may nominate an alternative person to Chair the Annual Parish Meeting.**
- 10. The Annual Parish Meeting may accept the Parish Council's nomination or appoint an alternative person present at the meeting to take the chair. (All present at the Annual Parish Meeting must be advised that they may do this). The chairperson for the meeting shall have, for the purposes of that meeting, the powers and authority of the Chairman. Any person who chairs the Annual Parish Meeting other than the Parish Council Chairman/Vice Chairman must be elected by show of hands at the Annual Parish Meeting (or if not conclusive by some other means).**
- 11. Only local government electors for the parish are qualified to vote at the Annual 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 an Annual Parish Meeting shall, in the first instance, be decided by a 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.

12. A poll may be demanded before the conclusion of an Annual 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.
13. A poll consequent on an Annual 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 Annual 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.
14. The Annual Parish Meeting minutes may be taken by the Parish Clerk, but not in their capacity as an Officer of the Parish Council, or by anyone else who is nominated to do so. (Again all present at the Annual Parish Meeting must be advised that they have the right to nominate an alternative person to take the Minutes).
15. The next Parish Council newsletter after the Annual Parish Meeting will print the Chairman's Annual Report and it will also advise that a full copy of the Annual Parish Meeting Minutes will be available on the SMPC website or by hard copy upon application to the Parish Clerk, within 3 months of the meeting.
16. The Chairman of the Annual Parish Meeting will ask if the previous year's Minutes can be taken as read. If this is not accepted by a show of hands then the sense of the minutes will be read out by the Chairman before they are formally adopted by a show of hands by those present and then signed by the Chairman.
17. If the minutes are not agreed and there is no reasonable resolution to the issue that has caused dissent then they will be placed in the minute book unsigned with a note by the Chairman with the reason why this is so.

Open Forum:

18. Any questions that are raised during the open forum session which cannot be readily answered by either the Chairman of the meeting, a designated Councillor or the Clerk, will be noted by the Minute Secretary and placed on the Agenda for the June/July Parish Council Meeting. An update will also be given under Matters Arising at the next Annual Parish Meeting (for information only). Any resultant discussion will be deferred to the Open Forum section of that meeting.

Expenses of Annual Parish Meetings:

19. The expenses of the Annual Parish Meeting (including the expenses of a poll) shall be paid by the Parish Council (section 150 of the Local Government Act 1972).

Annual Parish Meeting Resolutions:

20. An Annual 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 applies, the Annual Parish Meeting's resolutions will be persuasive only and the council will need to decide if it wishes to disregard them.