

A GUIDE TO PARISH MEETINGS AND PARISH POLLS

Introduction

Parish polls arise from provisions contained in Schedule 12 to the Local Government Act 1972 (as amended) and occur as a result of a parish or community meeting. The object of a poll is to check that an opinion expressed by a parish meeting is that of the majority of the electors. A poll may be held either in respect of a question or of an appointment to an office. However, the result of the poll is not binding on the parish.

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'.

Convening the Parish Meeting

Each parish must hold a meeting, open to all local government electors, between 1 March and 1 June every year. Where there is no separate parish council, at least one other meeting shall be held (unless the parish is grouped with another).

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. Where there is no parish council, the chairman of the parish meeting, or any person representing that parish on the district council.

Proper notice of the meeting must be given at least seven clear days beforehand. The notice 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 usual rules regarding the conduct of meetings apply, including the production of minutes.

The Meeting

The chairman of the parish council is entitled to attend, and if he is present he should preside over the meeting. If he is absent, the vice-chairman (if any) should, if present, preside. The National Association of Local Councils (NALC) urges the parish council chairman to attend.

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; the outcome of a poll is not binding.

The press and other members of the public are entitled to attend, but only local government electors for the parish may speak and vote. Each elector has one vote on each motion and the chairman has the casting vote in the event of equality.

Either ten electors or one third of electors present and voting, whichever is less, may demand a poll on a question or the appointment to office. The request for a poll cannot be subject to a vote at the meeting. However, if a poll is demanded on a question, the wording of the question can be voted on.

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 by the chairman at the same or the next parish meeting. 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.

Parish councils may make, vary and revoke standing orders for the regulation of proceedings and business of parish meetings for the parish.

The poll is a poll of the local government electors of the parish; there is no provision for a ward poll.

The 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 of the meeting should ensure that any motion or question is capable of being voted either 'for' or 'against' or 'yes' or 'no' at a poll. The question should not lend itself to vague or double-negative answers. Once the parish meeting has agreed on the wording of the question it cannot be changed.

The chairman should provide the Returning Officer with details of the question, the name and address of the proposer and the date of the meeting at which the poll was demanded.

For appointment to an office, details of the office, the names and addresses of the candidates, and their proposers should be given to the Returning Officer.

The Timetable

The timetable is calculated in the same manner as for other forms of election (exclusion of *dies non*) and is as follows:

Proceedings	Time
Delivery of notices of withdrawal of candidature	Not later than noon on the fourth day after the day on which the poll was demanded
Notice of Poll	Not later than the fifth day before the day of the poll
Appointments of polling and counting agents	Not later than the third day before the day of the poll
Polling	Between the hours of 4pm and 9pm on the day fixed by the Returning Officer, which shall not be earlier than the fourteenth day nor later than the twenty-fifth day after the day on which the poll was demanded

Preparations

The provisions relating to candidates for appointment to an office, and withdrawal of candidature, are similar to those for other local government elections, with the exception of the nomination procedure. It is the responsibility of the chairman of the parish meeting to send the Returning Officer details of the candidates, their addresses and the name of the person proposing each candidate for election.

Where the number of candidates remaining after withdrawals does not exceed the number of persons to be elected, such candidates shall be deemed to be elected and the Returning Officer shall, as soon as possible, give public notice of the abandonment of the poll and the name(s) of the candidate(s) deemed elected. Copy of such notice must be sent to both candidates and the chairman of the meeting at which the poll was demanded.

Notice of Poll

In the case of a poll to determine the answer to a question, the notice will include the question and the name and address of the proposer of the resolution. There is no requirement that a candidate be supported by a person seconding their candidature. Therefore only the name of the candidate and the proposer need be included on the notice of poll.

The Poll

There are few differences between parish polls and parish elections in terms of practices at the place of poll. However, the following are noteworthy:

- the hours of poll are from 4pm to 9pm;
- the Rules provide for notices to be displayed in polling booths for an appointment to office, but no such notices are to be displayed when a question is to be answered. Notices for the guidance of voters are prescribed by the Rules; and
- the differences which exist between provisions in respect of parish and community council elections and all other elections also apply in relation to parish polls.

Provision of Poll Cards and Postal Voting

There is no provision in connection with parish polls for the issue of poll cards or for postal votes, proxies or postal proxies. Only voting in person is allowed and only local government electors for the parish are entitled to vote.

The Count

When the poll is held for an appointment to an office, each candidate is entitled to appoint one polling agent to attend at each polling station, and one counting agent to attend the count. In the case of a poll on a question, the proposer of the resolution is afforded the same rights as any candidate, namely, they are permitted to attend at each polling station and to be present at the count.

Written notice shall be given by the Returning Officer to the counting agents or, in the case of a question, the proposer of the resolution, of the time and place at which the counting of the votes will begin. No person other than those listed below may be present at the counting of votes, unless permitted by the Returning Officer to attend:

- the Returning Officer and clerks;
- where the poll is taken on the question of appointment to office, the candidates and their spouses;
- where the poll is taken on a question, the proposer of the resolution in respect of which the poll is taken; and
- the counting agents.

The declaration of result of poll on an appointment to office will be in a similar form to local government elections. In respect of a question, the Returning Officer should announce the number of votes given for and against the question, the majority for or against the question and then declare the question carried or lost as the case may be.

Final Proceedings

Public notice of the result is to be given in the same manner as for any other election. In addition, the chairman of the parish council, or chairman of the meeting at which the poll was demanded, should be similarly notified of the result in the form of the public declaration.

East Devon District Council will recharge the cost of parish polls to parish councils, in the same way as the Council exercises a policy of recharging the costs of all parish council elections to the relevant parish council and in accordance with Section 150 (2 and 7) of the Local Government Act 1972.

This guidance is provided for information only.