

## **MEETINGS OF PARISH MEETINGS**

### **Introduction**

1. This note explains the statutory requirements which apply to a meeting (hereinafter referred to as an assembly) of a parish meeting of a parish with or without a separate parish council. The procedural requirements for an assembly of a parish meeting are set out in Part III of Schedule 12 to the Local Government Act 1972 (“the 1972 Act”) and the Public Bodies (Admission to Meetings) Act 1960 (“the 1960 Act”) which are explained in this Note. Guidance about the creation, names and styles, alteration, abolition of parish areas and the functions of a parish meeting in a parish without a parish council is given in Legal Topic Note 3 - The powers of a parish meeting in parish without a separate council.
2. A parish meeting consists of the local government electors of a parish (s.13 of the 1972 Act) and the purpose of the meeting is to discuss parish affairs (s.9 of the 1972 Act). There is no statutory definition or definitive caselaw to determine what constitutes a “parish affair”. It is NALC’s view that a parish affair includes an issue, activity, or subject which specifically affects a particular parish and which the parish meeting may wish to discuss, debate and potentially influence. Our Legal Briefings provide additional guidance about convening an assembly of a parish meeting and a poll held subsequent to an assembly of a parish meeting.
3. An assembly of a parish meeting is an effective forum for the local government electors in a parish to discuss matters specific to the parish, even if there is a separate parish council. Where there is a parish council for the parish, the attendance of members of the council at an assembly of the parish meeting may demonstrate that the council is receptive to hearing the views of local residents.
4. Subject to the statutory requirements explained later in this Note, a parish meeting in a parish without a separate council is free to regulate its proceedings and business as it wishes. In a parish where there is a parish council, the parish council may make, vary or revoke standing orders to regulate the proceedings and business of the assemblies of a parish meeting.

## **Convening an assembly**

5. An assembly 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 in the parish.
  
6. Public notice of an assembly must be given at least 7 clear days beforehand (subject to paragraph 8 below). The notice must:
  - specify the time and place of the intended assembly ;
  - specify the business to be transacted at the assembly ; and
  - be signed by the person(s) convening the assembly.
  
7. Notice of an assembly is to be given by:
  - posting a notice of the assembly in some conspicuous place or places in the parish, and
  - in such other manner, if any, as appears to the person(s) convening the assembly to be desirable for giving publicity to the assembly.
  
8. Where an assembly is convened to discuss the specific issues set out below, public notice of it must be given 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.

## **Number and time of an assembly**

9. The parish meeting must assemble between 1st March and 1st June every year. In a parish without 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, an assembly of a parish meeting 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.

10. An assembly of a parish meeting shall not commence earlier than 6pm 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**

11. The chairman of a parish council, if there is one, shall be entitled to attend an assembly of a parish meeting whether or not he is a local government elector for the parish. If he is not an elector for the parish he cannot vote at the assembly unless he is presiding at it and there is an equality of votes in which case he shall have the casting vote (see paragraph 24 below).

### **Presiding at the assembly**

12. In a parish with a separate parish council, the chairman of the parish council, if present, must preside at an assembly of a parish meeting and if he is absent the vice-chairman (if any) must, if present, preside. In a parish without a separate parish council, the chairman of the parish meeting, if present, shall preside.
13. 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.

### **Rights of the public (including the press) to attend**

14. s.1(1) of 1960 Act requires an assembly of a parish meeting to be open to the public, including the press. However, the public (in this context, meaning those who are not local government electors in the parish) may, under s.1(2) of the 1960 Act, be excluded for the whole or part(s) of the assembly if the parish meeting resolves that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution. A resolution to exclude the public for the whole or a part of an assembly of a parish meeting is not likely to be a common occurrence. A resolution is made by voting,

which is explained in paragraph 24 below.

### **Other rights of the public and press**

15. The press are entitled, on payment, to copies of the agenda and supporting papers for an assembly of a parish meeting (s.1 (4) (b) of the 1960 Act). They must be given reasonable facilities for reporting at a meeting (e.g. sufficient space, a table and a chair) and for telephoning their report at their own expense (unless the meeting place does not belong to the parish meeting or has no telephone) (s. 1(4) (c) of the 1960 Act).
16. The Openness of Local Government Bodies Regulations 2014, amended s.1 of the 1960 Act with effect on 6 August 2014. Unless the meeting has resolved to exclude the public or the exceptions explained in paragraphs 18 and 20 below apply, the 1960 Act permits any person (including the press) who attends an assembly of a parish meeting to report on its proceedings. The new provisions of the 1960 Act address the existence of different means of reporting which include the use of social media. "Reporting" is defined in s. 1(9) of the 1960 Act to include:
  - filming, photographing or making an audio recording of proceedings at an assembly (e.g. using a mobile phone or tablet, filming for a TV broadcast, recording for a radio broadcast);
  - using any other means for enabling people not present at an assembly to see or hear proceedings as it takes place or later (e.g. live streaming);
  - written reporting or commentary on the proceedings during or after an assembly or oral reporting or commentary after the assembly. Examples of written reporting or commentary include e.g. blogging, posting comments on Facebook or tweeting.
17. The Department for Communities and Local Government (DCLG) has published a guide for the public (including the press) about the new provisions of the 1960 Act. This can be accessed via <https://www.gov.uk/government/publications/open-and-accountable-local-government-plain-english-guide>. The guide confirms that the rights of a person to report on the proceedings of an assembly of a parish meeting are not without some boundaries. These are explained below.

18. S.1(4A) of the 1960 Act confirms that a person present at an assembly of a parish meeting does not have a right to give an oral report or commentary during it (e.g. a local resident blogger present at the assembly cannot provide a running verbal commentary). This is because such oral commentary could be disruptive. A person may provide oral commentary or report on the proceedings of an assembly when it has ended. A person's oral or written reporting of an assembly of a parish meeting will need to ensure that his actions do not give rise to a libel claim. For more information see Legal Topic Note 30 - Defamation.
19. Some individuals may not wish to be photographed, filmed, recorded or otherwise reported about. In NALC's view it would be difficult for individuals who speak or vote at an assembly of a parish meeting to prevent such activity. This is because it might reasonably be argued that those who participate in meetings open to the public should expect to be photographed, filmed, recorded or otherwise reported about. However, different considerations apply for children or the vulnerable.
20. The photographing, filming, recording or other reporting of children and the vulnerable should only be with the consent of a responsible adult. In the case of a child, this could be his parent, legal guardian or teacher. In the case of a vulnerable adult, this could be a medical professional, his carer or legal guardian.
21. Notices or agendas published in advance of an assembly could highlight the fact that the assembly might be photographed, filmed, recorded or reported about. At the start of the meeting, the person presiding at an assembly could remind those present about the (i) possibility of such activities and (ii) restrictions which apply to children and the vulnerable.
22. The venue for the assembly could include a separate area to accommodate (i) the public who are present at the meeting and who do not wish to participate in the meeting but who object to being filmed, recorded, photographed or otherwise reported about and (ii) children and vulnerable adults for whom consents for their filming, recording, photographing etc. has not been given. The person presiding at the assembly should remind those who wish to film, record or photograph the proceedings to avoid those who are sitting in a separate area. However, even individuals sitting in a designated area should be reminded that those filming or taking photographs may wish to record (i) the entirety of the public in a "panning" or panoramic shots and (ii) individuals participating in the meeting - including those sitting in the separate area. This might be difficult to object to if those taking photographs or filming do not zoom in

or focus on those who have not consented to being filmed or photographed.

23. The reporting of an assembly may include the disclosure of personal data and, consequently, those reporting on the proceedings of an assembly of a parish meeting should ensure that they use personal data in accordance with the Data Protection Act 1998 (see Legal Topic Note 38 – Data Protection).

## **Voting and polls**

24. Only local government electors for the parish may vote at an assembly of a parish meeting. 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 and voting. In the case of an equality of votes, the person presiding at the assembly shall have a casting vote, in addition to any other vote he may have. The decision of the person presiding at the assembly as to the result of the voting shall be final unless a poll is demanded.
25. A poll may be demanded before the conclusion of an assembly on any question arising at the assembly; but no poll shall be taken unless either (i) the person presiding at the meeting consents or (ii) the poll is demanded by not less than ten, or one-third of the local government electors present at the meeting, whichever is less.
26. A poll subsequent to an assembly of 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.

## **Resolutions**

27. In a parish with a separate council, a parish meeting's resolutions will not be binding on the council except 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 its provision of allotment gardens is sufficient to meet demand). Unless one of the exceptions apply, the parish meeting's resolutions provide an indication of the views of the local government

electors who attended the assembly at which the resolutions were made. It is good practice (but not a requirement) for a council to consider them formally because it may, subject to having the relevant statutory powers, wish to take action in respect of such resolutions.

## Minutes

28. The minutes of an assembly of a parish meeting must be signed at the same or next assembly by the person presiding at the assembly and the signed minutes of the meeting serve as a legal record of what has taken place. Minutes must be kept in a book provided for the purpose.

## Expenses of Parish Meetings

29. 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 (s. 150 of the Local Government Act 1972).

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

| LTN | Title   | Relevance   |
|-----|---|---|
| 3   | The Powers of a Parish Meeting in Parish without a separate Parish Council. | Sets out the statutory functions of parish meetings.              |
| 30  | Defamation  | Summarises the common law and legislation that governs defamation |
| 38  | Data Protection   | Explains obligations under the Data Protection Act 1998.          |

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