

## **Great Elm Parish Meeting**

Great Elm Village Hall, 7.30pm, Friday 8<sup>th</sup> April, 2022

### **Agenda**

- 1 Chair to explain nature, purpose and agenda of meeting\*
- 2 Declarations of interest
- 3 Minutes of previous meeting – none known
- 4 Matters arising - none
- 5 Election of Clerk – proposal of and vote on candidates
- 6 Chair to propose motion

*That in accordance with Section 10 of the Local Government Act 1972 and any other relevant legislation, as the Parish has less than 150 local government electors, application be made to the Mendip District Council for the dissolution of the Great Elm Parish Council.*

- 7 Election of Chair - proposal of and vote on candidates
- 8 Any other business

\* Great Elm Parish Council unanimously decided at its last meeting on 11th March 2022, to call a Parish Meeting with the express purpose of dissolving the parish council.

That decision resulted from an ongoing absence of a parish clerk, an officer all parish councils are statutorily required to have and who shoulders a range of financial and other legal obligations. The parish council has in vain attempted to recruit a parish clerk. Interested parties were scant and all found the entailed formal training, financial and legal obligations, and time commitment excessively onerous compared to the limited remuneration Great Elm Parish Council can offer.

As a solution to the problem, Great Elm, under variously the Local Government Acts 1894 and 1972, statutorily has a parish meeting that can convene and, because it has fewer than 150 local government electors, vote to ask the district council to dissolve the parish council. By doing this and thereafter maintaining a parish meeting (Great Elm Parish Meeting) without a precept, the members of Great Elm Parish Council are hopeful that the financial and legal obligations shouldered by a clerk will be much reduced or completely obviated.

All local government electors within the parish of Great Elm (ie, those on the electoral roll) are understood automatically to be members of Great Elm Parish Meeting, so all are welcome, encouraged to attend, and are legally entitled to discuss and vote on the proposal to ask the district council to dissolve Great Elm Parish Council.

Great Elm Parish Meeting is a statutory body, with the most recent applicable legislation being the 1972 Local Government Act, Part III Parish Meetings. This is pasted below for reference and is also available online at:

<https://www.legislation.gov.uk/ukpga/1972/70/schedule/12/part/III>.

### ***Local Government Act 1972***

#### ***Part III***

#### ***Parish Meetings***

*14(1)The parish meeting of a parish shall assemble annually on some day between 1st March and 1st June, both inclusive, in every year.*

*(2)Subject to sub-paragraph (1) above and to sub-paragraph (3) below, 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.*

*(3)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 twice in every year.*

*(4)The proceedings at a parish meeting shall not commence earlier than 6 o'clock in the evening.*

*(5)A parish meeting shall not be held in [F1]premises which at the time of the meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act)] , except in cases where no other suitable room is available for such a meeting either free of charge or at a reasonable cost.*

#### *Textual Amendments*

*F1Words in Sch. 12 para. 14(5) substituted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 201(2), Sch. 6 para. 61(3)(a) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)*

#### *Modifications etc. (not altering text)*

*C1Sch. 12 para. 14(1) modified (13.3.2004) by The Local Elections (Ordinary Day of Election 2004) Order 2004 (S.I. 2004/222), art. 4(3)*

*15(1)A parish meeting may be convened by—*

*(a)the chairman of the parish council, or*

*(b)any two parish councillors for the parish, or*

*(c) where there is no parish council, the chairman of the parish meeting or any person representing the parish on the district council, or*

*(d) any six local government electors for the parish.*

*(2) Not less than seven clear days, or, in a case falling within sub-paragraph (3) below, not less than fourteen clear days, before a parish meeting, public notice of the meeting shall be given, specifying the time and place of the intended meeting and the business to be transacted at the meeting, and signed by the person or persons convening the meeting.*

*(3) The fourteen-day period of notice specified in sub-paragraph (2) above is applicable if any business proposed to be transacted at a parish meeting relates to—*

*(a) the establishment or dissolution of a parish council, or*

*(b) the grouping of the parish with another parish or parishes under a common parish council.*

*(4) Public notice of a parish meeting shall be given—*

*(a) by posting a notice of the meeting in some conspicuous place or places in the parish, and*

*(b) 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.*

*16 The chairman of a parish council shall be entitled to attend a parish meeting for the parish (or, where a grouping order is in force, for any of the parishes comprised in the group) whether or not he is a local government elector for the parish, but if he is not such an elector he shall not be entitled to give any vote at the meeting other than any casting vote which he may have by virtue of paragraph 18(3) below.*

*17(1) In a parish having a separate parish council the chairman of the parish council, if present, shall preside at a parish meeting and if he is absent the vice-chairman (if any) shall, if present, preside.*

*(2) In a parish which does not have a separate parish council the chairman chosen for the year in question under section 15(10) or 88(3) above, if present, shall preside.*

*(3) 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.*

*18(1) Subject to the provisions of this Act, each local government elector may, at a parish meeting or at a poll consequent thereon, give one vote and no more on any question.*

*(2) 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 at the meeting as to the result of the voting shall be final unless a poll is demanded.*

*(3) 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.*

*(4) [F2A 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 less.]*

*(5) [F2A 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 rules made by the Secretary of State, and the provisions of the rules with respect to the elections of parish councillors under [F3section 36 of the Representation of the People Act 1983 and of the enactments mentioned in section 187(1) of that Act] shall, subject to any adaptations, alterations or exceptions made by the first-mentioned rules, apply in the case of a poll so taken as if it were a poll for the election of parish councillors.]*

*(6) [F2Rules made under sub-paragraph (5) above shall be laid before each House of Parliament as soon as may be after they are made.]*

*[F4(7) A poll may be demanded before the conclusion of a parish meeting on any question arising at the meeting, subject to regulations made under sub-paragraph (8).*

*(8) The Secretary of State may by regulations make provision about polls consequent on parish meetings, in particular about—*

*(a) the questions arising at a meeting on which a poll may be demanded,*

*(b) the circumstances in which a poll may or must be taken (including provision as to the number of local government electors who must demand a poll for a poll to be taken), and*

*(c)the conduct of a poll.*

*(9)Regulations under sub-paragraph (8)(c) may apply any electoral enactment (with or without modifications) to polls consequent on parish meetings.*

*(10)In sub-paragraph (9) “electoral enactment” means an enactment which relates to elections or referendums.*

*(11)A statutory instrument containing regulations under sub-paragraph (8) is subject to annulment in pursuance of a resolution of either House of Parliament.]*

### *Textual Amendments*

*F2Sch. 12 para. 18(4)-(6) omitted (4.4.2014 for specified purposes) by virtue of Local Audit and Accountability Act 2014 (c. 2), ss. 42(2), 49(1); S.I. 2014/900, art. 2(g)*

*F3Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, Sch. 8 para. 14*

*F4Sch. 12 para. 18(7)-(11) inserted (4.4.2014 for specified purposes) by Local Audit and Accountability Act 2014 (c. 2), ss. 42(3), 49(1); S.I. 2014/900, art. 2(g)*

*19(1)Minutes of the proceedings of a parish meeting, or a committee thereof, shall be drawn up and entered in a book provided for the purpose and shall be signed at the same or the next following assembly of the parish meeting, or, as the case may be, meeting of the committee, by the person presiding at the meeting, and any minute purporting to be so signed shall be received in evidence without further proof.*

*(2)Until the contrary is proved, a parish meeting, or a meeting of a committee thereof, in respect of the proceedings of which a minute has been made and signed as mentioned in sub-paragraph (1) above 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, and where the proceedings are those of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.*

*20(1)Subject to the provisions of this Act, in a parish having a separate parish council the parish council may make, vary and revoke standing orders for the regulation of proceedings and business at parish meetings for the parish.*

*(2) In a parish which does not have a separate parish council, the parish meeting may, subject to the provisions of this Act, regulate their own proceedings and business.*

*21(1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament may on request be lent to the returning officer at a poll consequent on a parish meeting on such terms and conditions as the Treasury may determine.*

*(2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority shall, on request and if not required for immediate use by that authority, be lent as aforesaid on such terms and conditions as may be agreed.*

*22 If any person, in a poll consequent on a parish meeting—*

*(a) fraudulently defaces or fraudulently destroys any ballot paper or the official mark; or*

*(b) without due authority supplies a ballot paper to any person; or*

*(c) fraudulently puts into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or*

*(d) fraudulently takes out of the polling station any ballot paper; or*

*(e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the poll;*

*he shall—*

*(i) if he is a returning officer, or an authorised person appointed to assist in taking the poll or counting the votes, be liable on conviction on indictment to imprisonment for a term not exceeding two years; and*

*(ii) in any other case, be liable, on conviction on indictment or summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £50, or both.*