

KIDLINGTON PARISH COUNCIL

Details of on Parish Poll legislation as notified by Cherwell District Council

Paragraph 18 (4) Schedule 12, Local Government Act 1972 sets out that a poll may be demanded before the conclusion of a parish or community meeting on any question arising at the meeting. A poll can be demanded with the consent of the person presiding at the meeting or at the request of at least 10 electors or one third of those electors present.

Paragraph 18(5) Schedule 12, Local Government Act 1972 sets out that once a poll has been demanded, the parish/community meeting does not vote on whether or not to have the poll, and there is no means of withdrawing the demand. The poll is a ballot of the local government electors for the parish/community as a whole, rather than any particular ward.

In relation to the question for the parish poll:

- Paragraph 18(2) and Paragraph 34(2) Schedule 12, Local Government Act 1972 sets out that the parish/community meeting must agree and vote on the wording of the question to be put to the electorate.
- Paragraph 18(3) and Paragraph 34(3) Schedule 12, Local Government Act 1972 sets out that the motion proposed at the parish/community meeting is reproduced as the question on the ballot paper. It is important for the original motion to be phrased in such a way so it can be answered with a vote in favour of, or against, a proposal or issue. The person presiding should guide the meeting to choose appropriate wording and can cast the deciding vote in the event of a tie.
- The question should be clear, unambiguous, and capable of producing a 'YES' or 'NO' response only.
- The question should relate to parish/community affairs. National Association of Local Councils (NALC) view is 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 excludes matters which affect all parishes in the country equally."
- The name and address of the person who proposes the question should be recorded by the person presiding. This must be supplied to the Returning Officer (RO) and included on the notice of poll. The proposer of the question is also entitled to attend polling stations and the count.
- Once the question has been agreed at the parish/community meeting, it cannot be changed.
- More than one question may be asked in the poll, and the ballot paper in the Appendix to the Parish and Community Meetings (Polls) Rules (PCMPR) 1987 provides scope for this.
- As the cost of a parish/community poll must be met entirely by the parish/community council or meeting concerned, it should have the powers to deal with the subject matter of the question.

In line with Section 4 & Rule 8 PCMPR 1987, the person presiding the meeting must notify the principal area council that a poll is required and must provide the Returning Officer (RO) with the question, name & address of the proposer of the question, and the date of the parish meeting.

The RO fixes the date of the poll which must more than 14 days but less than 25 days (excluding weekends and bank holidays) from the date the poll is called.

There is no statutory provision to combine a parish poll with any other type of poll and the poll would therefore be a standalone poll. Polling runs from 4pm – 9pm, there are no poll cards, no provisions for postal or proxy voting so electors must vote in person in their usual polling station. A notice with details of the poll must be published at least 5 days before the poll.

The parish council is recharged in full for all costs for running the parish poll (Section 150(2) and (7) Local Government Act 1972). The current parish election recharge model does not apply, and figures provided to the clerk for the elections on 4 May cannot be used as a benchmark. Every cost the RO incurs will be recharged to the parish council.