

ANNUAL MEETING Q&A

The procedure for annual meetings is very straightforward in practice but the nuances of local government law can lead to all sorts of confusion! This document sets out answers to the most frequently asked questions.

Q1. When should the Annual Meeting be held?

By law every council must hold an annual meeting in May. In an election year the meeting must be held on the day that the councillors take office, or within 14 days thereafter. No councils in Northamptonshire have elections in 2022, so the annual meeting can be on any day in May.

Q2. What business should be done at the Annual Meeting?

By law the first item on the agenda must be to elect a chair. This must be done before apologies are taken or any other business - it must be the first item. Apart from the election of chair there is no other business that must be done at the annual meeting, but it is a useful meeting to do other things that are required to be done on an annual basis, such as a review of important documents and policies, or the appointment of committees.

Q3. Who presides over the election of chair - is it the clerk?

No! To illustrate what should happen let's say that Cllr Smith is the current chair and Cllr Jones is the current vice chair. It will be Cllr Smith that opens the annual meeting and presides over the first item of business, to elect a chair. Cllr Smith, if staying on the council, has an original vote and (in the case of a tie) a second and casting vote. They may vote for themselves. If they are declared re-elected as chair they stay in the chair, sign their declaration of acceptance of office of chair and then proceed to the next item of business. Let's say though that Cllr Smith has a challenger, Cllr Williams. If Cllr Williams is declared elected as chair, then at the moment that Cllr Williams signs their declaration of acceptance of office of chair the office passes from Cllr Smith to Cllr Williams, and it is therefore Cllr Williams that takes the chair and presides over the remainder of the meeting.

Q4. Our current chair is retiring from the council - so who chairs then?

Continuing the scenario above, if Cllr Smith is resigning and retiring from the council but wishes (or is willing) to attend the annual meeting of the council then it is they who presides since they are still the chair of the council until their successor has been elected. This time Cllr Smith does not have an original vote in the election of the new chair but must, in the case of a tie, give a casting vote. If Cllr Smith cannot or does not wish to attend the annual meeting then Cllr Jones, as vice chair, should preside over the election of the new chair and the exact same rules apply as if they were chair.

Q5. Both the current chair and vice chair are unable to come to the annual meeting - what now?

Business must go on, so those councillors present must choose one of their number to preside over the election of chair and that person has an original and (in the case of a tie) a second casting vote and may vote for themselves.

Q6. Can the council elect someone as chair in their absence?

Yes. Any councillor can be elected as chair, whether or not they are present. It obviously won't be possible for the council to receive their declaration of acceptance of office at the annual meeting so the council should permit the declaration to be made at a subsequent meeting but should nevertheless proceed as though the declaration had been received.

Q7. Nobody wants to be chair of the council - can we just elect a chair from meeting to meeting?

A council is not properly constituted without a chair and as stated above, it must be the first item of business at the annual meeting. Therefore, if the council fails to elect a chair, then the meeting cannot progress and should be adjourned. In the scenario above Cllr Smith would technically remain chair of the council until the next meeting. No business could be transacted, and no payments authorised. Councillors must appreciate that the council cannot function unless one of them is prepared to accept the office of chair of the council.

Q8. Do we have to elect a vice chair?

No. Councils may elect a vice chair but don't have to, although as illustrated above, having a vice chair can be very useful procedurally.

Q9. When should the declaration of acceptance of office forms be signed?

The newly elected chair should immediately sign a declaration of acceptance of office of chair. Any newly elected or co-opted councillors are also required to sign a declaration of acceptance of office, which may include an agreement to be bound by the council's Code of Conduct. A councillor's declaration of acceptance of office can be signed at or before a meeting but must be signed in the presence of a member or the proper officer of the council. The council may resolve to permit the declarations to be made at or before a later meeting. An item on the agenda would therefore be "*To receive councillors declarations of acceptance of office or, if not received, to decide when they shall be received*". Thus, if a councillor is unable to attend the annual meeting, they could sign their declaration beforehand in the presence of a member or the clerk and ask the clerk to "deliver" it to the annual meeting. Sample declaration of acceptance of office forms are available from Northants CALC.

Q10. Can we conduct ordinary business at the Annual Meeting?

Yes, there is no reason why not. Standing Orders may set out the order of business at the annual meeting but there is no reason why other business cannot be added to the annual meeting agenda. Historically, some councils issue two agendas, one for the annual meeting and one for an ordinary meeting to follow immediately after the annual meeting. There is no reason to do this; all the items can appear on the one agenda for the annual meeting.

Q11. We've already held our Annual Meeting, haven't we?

Don't forget that there are two annual meetings, one is a meeting of the parish council (the Annual Meeting) and the other is a meeting of the electors of the parish (the Annual Parish Meeting, aka Annual Parish Assembly). These two meetings serve two very distinct and different purposes and should not be confused. It is good practice to hold them on separate evenings to avoid confusion.

If you have a question that is not answered above, please contact info@northantscalc.com.