



HALC Guidance Note – 2021 Annual Council and Annual Parish Meetings

With the Government looking unlikely to extend The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (*The Regulations*) beyond 7th May 2021, Parish and Town Councils need to consider how this will impact their meeting schedules.

All those sections of the Local Government Act 1972 that were disapplied within *The Regulations* will be reinstated on 7th May 2021, which means the following:

- **Annual Council Meeting**

The Local Government Act 1972, Sch. 12 Part II s.7 states:

7(1)A parish council shall in every year hold an annual meeting.

(2)In a year which is a year of ordinary elections of parish councillors, the annual meeting of a parish council shall be held on, or within fourteen days after, the day on which the councillors elected at that election take office, and in any other year the annual meeting shall be held on such day in May as the parish council may determine.

(3)The annual meeting of a parish council shall be held at such hour as the council may fix or, if no hour is so fixed, 6 o'clock in the evening.

For those councils in a year of ordinary elections, you will need to hold an annual meeting on or within 14 days after the day newly elected members take office. New members take office on the Monday after the Thursday on which elections were held.

Because of this requirement, those councils with elections will be forced to hold a meeting face-to-face on or no later than 24th May 2021 to comply with legislation.

HALC recommend councils review NALC's advice on how to prepare for face-to-face meetings, found on the NALC website [here](#).

For those councils not in a year of elections, you may hold the annual meeting on a day in May of the Council's choice.

Because of this, you have an opportunity to hold the annual council meeting on or between 1st and 6th May 2021 (inclusive). Any later than this, the council will need to make arrangements for a face-to-face meeting.

HALC recommend councils hold their annual council meetings remotely on or between 1st and 6th May 2021 (inclusive).

- **Annual Parish Meetings**

The Local Government Act 1972 Sch.12 Part III s. 14 (1), (2) and s. 15 (1) states:

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.

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.

The Council are required to set a date and time for the Annual Parish Meeting, as stated above in s.14 (2), but it doesn't have to be the Council that convenes the meeting, as per s.15(1) above.

HALC recommend Councils hold the Annual Parish Meeting remotely before 7th May wherever this is possible.

If an individual council is unable to do this due to elections, or chooses not to do this for any other reason, they will need to be mindful of any current Covid-19 guidelines that are in place at the time of the meeting. They will need to consider the guidelines for any meeting where members of the public will be in attendance, any requirements set out by their chosen venue and also undertake a risk assessment for any members of staff that will be present. These should be considered prior to the final decision to hold the meeting. HALC would therefore suggest that Councils set a date and time for the meeting but consider their particular circumstances nearer the time, as guidance does change quickly.

This paper is not intended or constitutes legal advice. Should you require a formal legal opinion, please contact our Member Services Officer, who will contact our legal helpdesk.

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