

AGENDA ITEM 16

Motion - The Parish Council's failure to recognise the crucial distinction between an Annual Parish Meeting and a Public Meeting which determines who may or may not participate in a meeting. An Annual Parish Meeting is a statutory meeting of local government electors of the parish, in comparison to a Public Meeting that is an open gathering of the general public to discuss a topic. An Annual Parish Meeting is mandated by law whilst a public meeting is not. This crucial distinction determines who may or may not directly participate in a meeting. Both meetings are open to the general public and press. The Parish Council is responsible for organisation the Annual Parish Meeting once it has been called. Examination of the Annual Parish Meeting records confirms that non-residents of the parish have been allowed to participate in numerous Annual Parish Meetings - Durham Constabulary, Durham County Council, Developments etc. Only individuals living within the parish may participate an annual parish meeting.

1. The Parish Council is under a statutory obligation to record in its minutes who has called the Annual Parish Meeting. The Parish Council minutes at which the Annual Parish Meeting was convened under Local Government Act 1972 Schedule 12 Part III paragraph 15(2) must clearly identify the person or persons convening the meeting. The Parish Council has failed to record this information in its minutes.
2. Any statement or presentation made at the Annual Parish Council meeting on behalf of the Parish Council must be approved. No record can be found of the Parish Council approving any reports or presentations at the Annual Parish Meeting.
3. Records appertaining to Annual Parish Meetings are not Parish Councils minutes. There is no statutory requirement for these parish records to retain in perpetuity. As Annual Parish Meeting records can only be approved by the next Annual Parish Council Meeting. Retention period of Annual Parish Meeting records default to period specified in the Limitation Act 1980 - 5 years. General Data Protection Regulation 2018 and Data Protection Act 2018 applies to the retention of these records.
4. Local Government Act 1972 Schedule 12 Part III paragraph 15(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.**
5. The Annual Parish Meeting under Local Government Act 1972 Schedule 12 Part III paragraph 15(2) can be called by the chairman of the parish council, or

any two parish councillors for the parish, or any six local government electors for the parish.

6. The record of an Annual Parish Meeting are signed by the person who presided over the meeting. This person is typically the Chair of the Parish Council, or the Vice-Chair if the Chair is absent, and if both are absent, it is a person elected by the meeting itself to chair that specific meeting. The record of an Annual Parish Meeting are approved at the next Annual Parish Meeting, where they are signed by the person presiding at that future meeting. The records are not approved by the Parish Council.
7. Local Government Act 1972 Schedule 12 Part III **18(4) A Parish Poll can be demanded at these meetings for a ballot on a specific question, with the consent of the presiding officer or at the request of 10 electors or one-third of those present, whichever is less.**
8. There isn't a single piece of legislation specifying a fixed retention period for annual parish meeting records; instead, retention is determined by factors like the [General Data Protection Regulation \(GDPR\)](#) which requires personal data to be kept no longer than necessary, and also by the specific operational and historical value of the document. Parish councils should have their own document retention and disposal policies, aligned with general guidance from the [Local Government Act 1972](#) and other relevant regulations, outlining the criteria for keeping or destroying different types of records.
9. The parish councils must still adhere to data protection principles, such as [lawfulness, fairness, transparency, purpose limitation, data minimization, accuracy, and storage limitation](#).

10.

Background to correct the public record:

1.

Local Government Act 1972 came into effect on the 1 April 1974 Schedule 12 Part III Parish Meetings for more than 30 years West Rainton and Leamside Parish Council failed in its statutory duty to hold any Annual Parish Meetings breaching paragraph 14(1) despite the Annual Parish Meeting been mandated by law. The first Annual Parish Meeting was called 19 September 2006 by eleven local government electors for the parish under paragraph 15(1) (d) proposed agenda - appointment of chairperson, current / future plans of the parish, lack of democratic accountability, failings of the chair, vice chair, and parish clerk etc, village cemetery and any other matters. The parish council should have organised the meeting to have taken place between 1 March - 1 June 2007. The Parish Council called the meeting for the 15 November 2006 in clear contravention of paragraph 14(1), and 15(2). Then attacking the motivate of those calling the Annual Parish Meeting.

Parish Council Minutes 16 November 2006

Item 10 Parish Meeting "Although forty-six residents attend the meeting disappointment was felt the instigator who had called for meeting did not attend and only one of the other petitions was in attendance. It was felt that it was a very good meeting and covered the agenda that the instigator requested. However , it was felt that it had been an intentional time-wasting exercise. (Councillor Morland and Gilbank).

Extra-ordinary statement when the Parish Council had failed to comply with its statutory obligations for more than 30 years (had been advised on multiple occasions of its failure to call an Annual Parish Meeting), and that the Annual Parish Meeting called by local government electors has been organised in contravention of Local Government Act 1972 Schedule 12 Part III paragraph 14(1). According to members of the Parish Council at that time (Councillors Morland and Gilbank) failed of the Parish Council to publicly acknowledge its failure to comply with its status obligation, then public attacks one of the eleven petitioner in clear contravention of the Human Rights Act 1998. No member of the parish council is above the law.

Annual Parish Meeting can be held at West Rainton Primary School free of charge:

Local Government Act 1972 section 134 Use of schoolroom, etc. in parish or community.

(1) If in a parish there is no suitable public room vested in the parish council or the parish trustees, as the case may be, which can be used free of charge, a suitable room in premises of a school maintained by the [\[F1\]local authority](#) [F2](#). . . or a suitable room the expenditure of maintaining which is payable out of any rate may, subject to subsection (3) below, be used free of charge at all reasonable times and after reasonable notice for any of the following purposes, that is to say, for the purpose of—

1. a parish meeting or any meeting of the parish council, where there is one; or
2. meetings convened by the chairman of the parish meeting or by the parish council, where there is one; or
3. the administration of public funds within or for the purposes of the parish where those funds are administered by any committee or officer appointed by the parish council or parish meeting or by the county council or district council.



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