

What is an Annual Town Meeting?

All Town Councils throughout England are required, by law, to hold an Annual Town Meeting, which must take place between 1 March and 1 June every year.

There is often confusion between the Annual Town Meeting and the Annual Meeting of the Town Council. Annual Town Meetings are a meeting of the electorate and cannot start before 6:00pm. Anyone may attend but only registered electors of Frodsham may speak and vote during the meeting.

A town meeting in England is made up of the local government electors in a particular administrative town or community area even if it is divided into wards for elections¹. The purpose of the meeting is to discuss “town affairs”.

Town affairs can be any issue or topic that specifically affects that particular town or community area, and it is not exclusive to the business of the local council for the area. Matters which do not specifically affect the town or community area are not town affairs.

A meeting (or assembly) of the town is an effective forum for the local council for that area to engage with local residents. Even if local residents do not support certain decisions or actions of the local council, the attendance and involvement of councillors at an assembly of a town may demonstrate that the council is prepared to listen to the views of local residents.

The public (and press) have a statutory right to attend an assembly of a town meeting². Only the local government electors at a town meeting have a right to vote at the meeting³. If the local council has convened the meeting, it can use its register of the electoral roll for the area when people arrive to identify the local government electors who may later vote at the meeting⁴. If local government electors are seated separately from the others who attend, this may make the counting of votes more straightforward. Such measures may be helpful if there is a dispute as to the eligibility of those who voted at the meeting.

A vote at a town meeting or subsequent poll (see below) is not binding on the local council except in exceptional circumstances. For example, the result may trigger a council’s statutory duty to consider if its provision of allotment gardens is sufficient to meet demand⁵.

In England, a local council may test initial ideas for the establishment of a Neighbourhood Development Plan (NDP)⁶ or Neighbourhood Development

Order (NDO) for the area. There is however an intricate statutory framework that governs the establishment of an NDP or NDO for the area of a local council. This requires an external examination and support of the proposed NDP or NDO via a referendum.

Statutory Requirements

In England, the assembly or meeting of a town meeting may be called by the chairman of the local council, any two councillors of the local council or any six local government electors of the town. Where there is no local council, the town meeting may be convened by the chairman of the town meeting or any district councillor representing the town; or any six local government electors of the town⁷. There must be a meeting between 1 March and 1 June each year. In a town without a separate local council, there must be at least one other meeting each year.

Other meetings must be held on days and times fixed by the local council or, if there is no council, by the chairman of the town meeting⁸.

A meeting must not start before 6 o'clock in the evening or be held in premises licensed for the sale of alcohol unless no other room is available free or at a reasonable cost⁹. Ideally a meeting should be held at a time and place which will encourage the largest attendance of residents if the council is to get the maximum benefit from the meeting.

Public notice of the meeting must be given at least seven clear days beforehand except where the meeting is convened to discuss the establishment or dissolution of a local council, or the grouping of the town area with another town or towns under a common local council, in which case the public notice must be given at least 14 clear days beforehand¹⁰.

The public notice must specify the time and place of the intended meeting; specify the business to be transacted at the meeting; and be signed by the person or persons convening the meeting. It must be posted in conspicuous place(s) in the town, and in such other manner, if any, as appears to the person or persons convening the meeting to be desirable for giving publicity to the meeting¹¹.

Public notice of the business for the meeting will have been given but it is helpful for this to be explained by the chairman or one of the people calling the meeting. The chairman of the meeting should put the specific issue to the meeting for debate and agree with the meeting the terms of any question to

be decided at the meeting. Where necessary a vote can be taken on any question under discussion but any such question must require a yes or no answer.

The Chairman of the local council can attend the meeting whether or not he is a local government elector for the town, but if he is not an elector for the town he cannot vote at the meeting other than any casting vote which he may have¹² (see below).

Where there is a separate local council, the Chairman of the council, if present, must preside at a town meeting and if he is absent the Vice-Chairman (if any) must, if present, preside. In a town without a separate local council, the chairman of the town meeting, if present, shall preside. If none of the above is present, the town meeting must appoint a person to take the chair of that meeting¹³.

Only local government electors for the town can vote at a town meeting or any subsequent poll. Each elector has one vote on any question and it is decided by a simple majority of those present and voting. The decision of the person chairing the meeting on the result of the voting is final unless a poll is demanded. In the case of a tied vote, the chairman of the meeting has a casting vote, in addition to any other vote he may have¹⁴.

A poll may be demanded before the conclusion of a town 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 fewer¹⁵. If a poll is validly demanded, the chairman of the town meeting must notify the relevant district or unitary authority which will appoint a Returning Officer.

All local government electors for the town can vote in any poll following a town meeting whether or not they attended the meeting. The procedure is similar to that of electing a local councillor.

In a town with a local council the expenses of the town meeting (including the expenses of a poll) must be paid by the council¹⁶.

References to legislation

¹ Local Government Act 1972, s.13(1)

² Public Bodies (Admission to Meetings) Act 1960, s.1

³ Local Government Act 1972, schedule 12, paragraph 18(1)

⁴ Representation of the People (England and Wales) Regulations 2001/341, Regulation 107(8)

⁵ Small Holdings and Allotments Act 1908, s.23

⁶ Localism Act 2011, Schedule 9 and the Neighbourhood Planning (General) Regulations 2012/637

⁷ Local Government Act 1972, schedule 12, paragraph 15

⁸ Local Government Act 1972, schedule 12, paragraph 14

⁹ Local Government Act 1972, schedule 12, paragraph 14

¹⁰ Local Government Act 1972, schedule 12, paragraph 15

¹¹ Local Government Act 1972, schedule 12, paragraph 15

¹² Local Government Act 1972, schedule 12, paragraph 16

¹³ Local Government Act 1972, schedule 12, paragraph 17

¹⁴ Local Government Act 1972, schedule 12, paragraph 18

¹⁵ Local Government Act 1972, schedule 12, paragraph 18

¹⁶ Local Government Act 1972, s.150(2)