

Frequently Asked Questions about the Parish Council

Who can be a Councillor?

To be eligible for election a person must be over 18 years of age on the day of the poll, be a British subject, or a citizen of the Commonwealth or the European Union. In addition the person must be an elector for the area or, during the whole 12 months before nomination as a candidate, must have occupied land as a tenant or owner in the Parish (or within 3 miles of it) or have his or her principal or only place of work in the parish.

Who can vote in Parish Council elections?

A person is entitled to be registered as a local government elector if:-

- They are resident in the local government area (but see below)
- They are not subject to any legal incapacity to vote
- They are a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of a member state of the European Union
- They will attain voting age before the end of the period of 12 months beginning with the 1st December next following the relevant date
- Second home owners (providing it is not a business) can register to vote at both their main home and second home. They can vote at only one of these in General Elections but are able to vote at both in local elections. However, an elector may not cast more than one ballot paper in the same ward, or cast a ballot paper in more than one ward of the same local authority.
- An elector who satisfies the residence and other registration conditions can, however, vote at elections to two different local authorities as these are two distinctly separate bodies of elected representatives.

Embleton Parish currently has 556 registered local government electors (May 2017).

When are elections and how long is a Council life?

The term of office of a Parish Council is normally four years and the timing of elections is linked to the election of District Councillors for the ward containing the parish. When there are an equal number, or fewer, candidates than there are vacancies, all candidates are elected unopposed and no poll is taken. Where there are fewer candidates than vacant seats, the Parish Council has a duty to co-opt persons to fill the vacancies. This power may only be exercised if there is a quorum of Councillors present and must be completed within 35 days of the election. If the Parish Council fails to fill the vacancies within this period, the District Council may dissolve it and order fresh elections. When a casual vacancy occurs it may be filled either by election or co-option. Election occurs when, after the vacancy has been advertised for 14 days, there is more than one candidate - each candidate being supported in writing to the returning officer by 10 or more electors.

Embleton is within the Longhoughton Ward and Wendy Pattinson is the elected Councillor for this Ward. The last Parish Council elections were held in May 2017.

How many councillors sit on a Parish Council?

The number of councillors on a Parish Council is set by the Unitary or District Council. The number of councillors can be increased or decreased at the request of the Parish Council if there is an appropriate reason, but the minimum number of councillors is five. There is no formal link between the number of electors and the size of the council.

Embleton Parish Council is made up of 10 Councillors. A problem is that there is no method of ensuring Christon Bank is fairly represented. At present there are no Councillors from Christon Bank, whereas electoral distribution suggests there should be 3.

What is the difference between the Annual Meeting of the Parish Council and the Annual Parish Meeting?

The Annual Meeting of the Parish Council must be held in May and in an election year must be held between 4 and 14 days after polling day. This is the meeting where the Parish Council elects the chairman, makes other annual appointments and reviews their insurance etc.

The Annual Parish Meeting can be held between 1st March and 30th June. This is the meeting where the Parish Council invites the public to hear reports from the chairman etc. There is also an opportunity for the public to express their opinions on what the Council is doing and raise questions about past and future actions.

These two meetings are often held on the same evening.

Am I allowed to speak at a Parish Council meeting?

Residents have the right to attend all Parish Council meetings. They do not have the right to speak during the formal Parish Council meeting but, if they inform the Chairman before the meeting starts that they wish to raise a matter, he will normally set time aside before the formal meeting commences for them to speak. They cannot take part in any ensuing discussion.

Can I see Parish Council minutes and papers?

Yes. The Parish Council is required to make a range of documents open to inspection. As with any public body the Freedom of Information Act applies to the Parish Council.

What is a quorum of the Parish Council?

Three at least, up to a Council with nine members. Thereafter, at least one third of the total membership.

Can the public be excluded from a Parish Council meeting?

Yes if there is confidential business or if there is some other good reason. The exclusion has to be voted for by a majority of Councillors present and the reason has to be stated in the motion to exclude and then in the minutes of the meeting.

What notice is required for a Parish Council meeting?

Three clear days are required not counting the day of the notice or the day of the meeting. The following 'don't count':- Sundays, a day of the Christmas break, a day of the Easter break, bank holidays and official days of mourning.

Can the Parish Council meet on a Sunday?

Yes. The Parish Council can meet on any day.

Where can the Parish Council meet?

Parish Councils are allowed to meet in any venue open to the public except licenced premises, unless there is no alternative venue available at reasonable cost.

How often are Parish Councils required to meet?

The minimum is four meetings a year, one of which is the Annual Meeting of the Parish Council. There is no maximum.

Embleton Parish Council meets ten times a year on the 4th Monday of each month except August and December, the venue alternating between the Creighton Memorial Hall, Embleton and the meeting room at the Christon Bank Methodist Church.

Can an Agenda include Any Other Business?

Yes, but no decision may be made on an item of business raised in this way.

How does the Parish Council raise money?

Parish Councils are empowered to raise money for their activities through a tax (the precept) on village residents, which is collected on their behalf by the County Council as an addition to the Council tax. This is then paid to the Parish Council in two instalments. Though not actually 'capped' in their expenditure, as are principal Councils, the activities of Parish Councils are effectively limited by what can reasonably be raised from the Parish.

What is the Embleton Parish precept and what does it spend it on?

Embleton Parish Council precept £16,300 for 2016 – 2017. This is the working capital of the Parish Council. A breakdown of all spending can be seen on the Parish Council Website Accounts page and is published annually as part of the Transparency Code.

Powers and Responsibilities of Parish Councils

The Local Government Act of 1972 is the one most often referred to when describing the modern powers and responsibilities of Parish Councils. However, it is augmented by many earlier and later Acts such as the Criminal Justice and Public Order Act 1994 which, on the face of it, would not appear to relate to Parish Councils but which gave them the ability to pay for measures to combat crime in villages. Parish Councils may only spend public money on projects or actions for which they have a Statutory Power. There is still, as there was in 1894, only one power which the Parish Council must consider using and that is to provide allotments for the labouring poor if asked for them. All other powers are voluntary – the Parish Council is not obliged to exercise them.

Planning Applications

The Parish Council comments on applications for Planning Consent within the Parish. The Parish Council is a statutory consultee, and reviews copies of all applications and plans when advised of their on-line availability by the County Council. It has no actual power to refuse or consent to an application. It acts as the voice of the Parish, rather than for any individual.

How do I complain about my Parish Council?

After having complained to the chairman of the Parish Council, and not having received a satisfactory reply, you should normally complain to the Council with ultimate responsibility (Northumberland County Council). The Council will probably have more than one stage in their complaints procedure and it will be necessary to complete all stages before moving on. The final stage is to complain to the Local Government Ombudsman.

How is a Parish or Parish Council changed?

Since February 2008 the power to create new Parishes and Parish Councils, to alter Parish boundaries, to dissolve Parish Councils and to abolish Parishes has been devolved to District or Unitary Councils (known as 'Principal Councils'). This process is known as a 'community governance review'.

Principal Councils have the power to make a community governance review at any time for all or part of their district. It is envisaged that such reviews will occur at intervals of between 10 and 15 years and will take into account population changes, the need for well-defined boundaries and the wishes of local inhabitants. Reviews may also be triggered by a petition of local government electors for an area. A petition is deemed valid where it is signed by a sufficient proportion of the electorate (ranging from 50% in an area with less than 500 electors to 10% in one with more than 2500).

What will be the effect on Embleton of the devolution of powers from NCC to the Parish Council?

Quite a lot has been written on the effects of the Unitary Authority (NCC) ceasing to offer certain services and expecting Parish Councils to take over these without providing them with funds. This would be expected to lead to increases in precepts.

If the communities of Northumberland are to be served in the most efficient manner, the relationship between the County Council and the 150+ Town and Parish Councils is critical. Currently a draft Local Councils Charter is out for consultation with comments to NCC by December 31st. Parish Councils are statutory bodies and the range and extent of their powers is expanding and it appears that Parish Councils will increasingly play a pivotal role in serving communities. Without going into this document in detail it contains a list of those services that, as of April 2011, were already the responsibility of all local councils. These include:-

- Bus shelters post 2003
- Play areas
- Seasonal lighting
- Town twinning
- Allotments.

It then goes on to list those Services and Assets that were added to the responsibility of Local Councils from April 2012 as:-

- All public seats
- Provision of new litter bins
- Public conveniences that meet local needs
- War memorials
- 'In Bloom' competitions
- Bus shelters.

And those added from April 2013:-

- Local parks
- Playing fields,
- Provision of local gateway signage
- Cemeteries.

Embleton is well placed to cope with the changes as the village green, play-park, sports field, village seats, bus shelters and village name signs are already maintained by, or in conjunction with the Parish Council. Emptying litter bins, maintaining enclosed churchyards, mowing roadside verges and footpaths (Sea Lane) will remain the responsibility of the NCC. The only extra duties (hence cost) that can be foreseen for Embleton Parish Council are paying for new, or replacement, litter bins (traditionally they only pay half) and paying for the annual safety check of the play-park (previously free).

Changes in Planning Regulations are less clear. Neighbourhood Planning is a new variation of community-led planning and parish plans, in which the development proposals are given statutory force. There are talks taking place aimed at establishing a common approach to the provision of support by NCC for Neighbourhood Plans, but it is early days and at present little has come down to the Parish Council