

**EXPLANATORY MEMORANDUM TO**  
**THE PARISH AND COMMUNITY MEETINGS (CORONAVIRUS) (POLLS)**  
**(AMENDMENT) (ENGLAND) RULES 2020**

**2020 No. 1355**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Purpose of the instrument**

- 2.1 To postpone until 6 May 2021, or such date within 25 working days of that date as the returning officer chooses, all parish polls scheduled to be held from the day which the Rules come into force or that would otherwise be required before 6 May 2021.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 This instrument must be laid before both Houses of Parliament, however there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is England only.

**5. European Convention on Human Rights**

- 5.1 This instrument must be laid before both Houses of Parliament, however it does not amend primary legislation, so no statement is required.

**6. Legislative Context**

- 6.1 Postponement of local authority elections and by-elections, and local polls in England, until 6 May 2021, was achieved through provisions in the Coronavirus Act 2020 ('the 2020 Act'). Section 60 of the 2020 Act provided for the postponement to 6 May 2021 of ordinary elections of councillors of principal and parish councils, the elections of the Mayor of London and elections of local authority elected mayors, combined authority mayors and police and crime commissioners which were due to be held on 7 May 2020. Section 61 of the 2020 Act provided power to make regulations to postpone to 6 May 2021 by elections for the above offices and local referendums

which would otherwise be held before that date. The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 (S.I. 2020/395) were made to postpone all such by-elections and local referendums to 6 May 2021.

- 6.2 Paragraph 18(5) of Schedule 12 to the Local Government Act 1972 provides powers for the Secretary of State to make rules for the conduct of polls demanded at parish meetings in England (“parish polls”). These Rules amend the Parish and Community Meetings (Polls) Rules 1987 (S.I. 1987/1).
- 6.3 The amendment made by these Rules is to the timing provision in the Parish and Community Meetings (Polls) Rules 1987 to ensure that any parish poll which would, or could be, scheduled to be held before 6 May 2021 will instead take place on that date, or later. This brings parish polls broadly into line with other types of local poll postponed to 6 May 2021. This instrument requires that any postponed parish poll must take place on 6 May 2021 or within 25 working days of that date - that is, between 6 May 2021 and 11 June 2021.

## **7. Policy background**

### *What is being done and why?*

- 7.1 A parish poll is a democratic tool which allows for a ballot of local government electors in the parish to be called on any question arising at a parish meeting.
- 7.2 In response to the public health emergency presented by the Covid-19 pandemic, the 2020 Act postponed all elections scheduled to take place on 7 May 2020 until 6 May 2021. Subsequent secondary legislation postponed other electoral events such as local by-elections and governance and neighbourhood planning referendums until the same date.
- 7.3 Legislation to postpone all local polls was intended to cover all local polling activity. That legislation was delivered at pace, and parish polls were inadvertently omitted from the provision. The omission did not come to light until October 2020, when local authority returning officers reported that electors in a few parishes were seeking, or were likely to seek, that a parish poll be held in a parish within their area.
- 7.4 A parish poll may be demanded at a parish meeting and must take place if either the Chair consents or at least ten, or one third, of the electors present (whichever is fewer), consent. The poll must be held within 14-25 days of the meeting at which the poll is demanded.
- 7.5 The postponement of elections and other polls until 6 May 2021 was applied in recognition of risks arising from the pandemic, including to polling station safety, the possible demands on local authority electoral staff to support other key services, the impracticality or potential impossibility of campaigning activity, and so that local authorities could prioritise their response to the pandemic. A parish poll taking place in the current conditions could present health risks to voters, campaigners, poll administrators and count staff. Local authority electoral officers could however be open to legal challenge if they refuse to hold a poll. These Rules therefore bring parish polls into line with all other local polling activity, by postponing parish polls until 6 May 2021 at the earliest.
- 7.6 The operation of parish polls is administratively different to that of other polls, or local and parish elections. Rules set the polling hours from 4pm to 9pm; there are no

poll cards; ballot papers must be stamped; there is no provision for postal voting. A space separate from other polling taking place for, e.g., local and parish elections within the polling premises would be required. Returning officers may consider it appropriate to hold any parish poll on a separate date to other polling, so as to ease pressures on polling premises and to avoid confusion on the part of voters. Accordingly, and at the request of electoral administrators, these Rules include the provision that postponed parish polls may be held on 6 May 2021 when other polling activity such as elections are due to take place, or they may be held on any day within 25 days of that date, defined in the Rules as running until 11 June. That time will be sufficient to ensure that the parish poll can be held separately from the other polls taking place and at a convenient date, without unduly delaying the holding of a parish poll which has been demanded.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act

## **9. Consolidation**

9.1 This instrument does not consolidate any legislation.

## **10. Consultation outcome**

10.1 There has been no public consultation on this instrument. Returning officers and their representative body have requested the postponement of parish polls in the context of postponement of all other local polls until 6 May 2021 owing to the Coronavirus pandemic. The Government's intention to amend the Rules was announced by the Minister for Local Government at a conference of the parish councils' representative body, the National Association of Local Councils. The Department has informally engaged with the Association of Electoral Administrators on this instrument, who welcome the instrument.

## **11. Guidance**

11.1 The amendment to the Rules is straightforward; no guidance has been produced to accompany this instrument.

## **12. Impact**

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no significant impact on the public sector.

12.3 This measure makes a technical change postponing parish polls, thereby bringing them into line with other local elections and polls which were postponed by provisions in the 2020 Act and the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 No 395. An Impact Assessment has not been prepared for this instrument

## **13. Regulating small business**

13.1 The legislation does not apply to activities that are undertaken by small businesses.

**14. Monitoring & review**

- 14.1 Ongoing monitoring will not be necessary. The Rules do not include a statutory review clause and have effect for a temporary period.

**15. Contact**

- 15.1 Luke Scofield at the Ministry of Housing, Communities and Local Government, email: [luke.scofield@communities.gov.uk](mailto:luke.scofield@communities.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Paul Rowsell, Deputy Director and Head of the Governance Reform and Democracy Unit, at the Ministry of Housing Communities and Local Government can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Luke Hall MP Minister for Local Government at the Ministry of Housing, Communities and Local Government can confirm that this Explanatory Memorandum meets the required standard.