

Kirkby Stephen Parish Meeting regarding Appleby Horsefair. 26 July 2022 at Upper Eden Rugby Club starting at 7:00pm. General Briefing for Councillors & Public.

Notice & Convening

1. Councillors indicated approval of the calling of this meeting in response to residents at their meeting on the 7 July (22/051).
2. This meeting has been convened by the Chairmanⁱ.
3. This meeting requires a notice signed by the convenor(s) posted 7 days in advance of the meeting (not an agenda).
4. The Town Council's notice was posted on the 15th July for a meeting on the 26th July, Saturdays are included in our diems, so the meeting has had eight days' notice and is lawfully issued.ⁱⁱ
5. The meeting will be presided over by the Chairman.
6. All 9 Residents of Kirkby Stephen who have written to the Council using the template provided by the Appleby Fair Communities Facebook Page Admins have been sent a copy of the notice directly by email.
7. The Chairman has written to the Cumberland and Westmorland Herald (for publication on the 22nd) to publicise the meeting.

Venue

1. The Venue for the meeting is the Upper Eden Rugby Club Main Room only. Please note that the Upper Eden Rugby Club will be holding its AGM in the smaller meeting area on the same night.
2. It has not been possible to book space at KSGS owing to a staffing issue/school holiday.

Participation & Residency

1. This is not a meeting of the Town Council. It is a meeting of the electorate of the Parish.
2. Town Councillors do not have a 'duty' to attend the meeting and will not receive a summons as they do for council meetings, apologies are not required and will not be recorded.

KSTC's councillors' residency is as follows:

Resident in the Parish (May Participate/Vote)

John Murray
Phil Dew
Sandy Lancaster
Alex Birtles

Not resident in the Parish (May Observe)

Mike Walker
Conrad Lynch
Grace Wren
Paul Richardson (Chairman)*
Dorothy Thornton

1. Non-resident councillors do not have an original vote in the meeting and should not participate in the discussion at the meeting, but they may observe.
2. *The Chairman of the Town Council/Meeting has a casting vote only (to be used if a vote in the meeting is balanced) as presiding Chairman (but not an original vote because he is not a resident of the Parish).
3. The Chairman has a duty to preside at the meeting if present (if not present the Vice Chairman should preside, if neither is present the meeting shall elect a Chairman to preside.)
4. Only residents attending the meeting may participate and vote.

Management of the Meeting.

1. In order to distinguish between residents and observers, names will be taken on entry, reconciled to the electoral roll and residents who are willing to identify themselves as residents will be seated in a designated area so that their participation and voting can be managed according to their residency.
2. Non-residents and anyone unwilling to identify themselves as a resident is not entitled to participate or vote.
3. A Privacy Notice regarding the processing of personal information in the meeting will be made available.
4. The Clerk will be assisted by two others in the management of the meeting and in the verification of any voting.
5. There is no agenda (because it is the electorate's meeting) however, the Chairman will ask for the consent of the meeting at the beginning to use a PowerPoint to give the meeting structure. The Power Point has three parts 1. To take residents' views on the annual impact of the Appleby Horse Fair in Kirkby Stephen. 2. To seek constructive suggestions to lessen negative impacts on the Town. 3. Discussion of a Parish Poll and Poll Questions [A Parish Poll may be demanded at this meeting in line with the provisions of the Local Govt. Act 1972, Schedule 12, Part 3, Paragraph 18 (4 & 5)].

Voting

The meeting may decide a matter by voting. All votes made in the meeting will be recorded.

Voting on Poll Questions.

9 residents of Kirkby Stephen have written to the council asking for a poll using a template letter with three questions provided by the Appleby Fair Communities Facebook Page Admins.

This is a two-stage process for each question 1. A vote is required on any question to be considered for a poll and 2. The Poll must be 'demanded' in respect of each question.

1. Voting on the question.

- a. Case law is quoted in NALC's Legal Topic Note 6. The note emphasises that **'a poll can only be demanded on a question which has been the subject of a vote at a Parish Meeting.'**
- b. Therefore, the draft questions will be presented to the meeting and may be amended by the meeting. They will then be subject to a vote. The vote will be recorded for each question.
- c. The draft wording of the questions has been amended to comply with the 'Parish and Communities Meetings [Polls] Rules 1987'
- d. Voting will be by a show of hands.

2. Demanding a Poll.

- a. 10 electors (or a third of those present, which ever is less) may demand a Poll **'on a question which has been the subject of a vote at a Parish Meeting'**
- b. A show of hands demanding the poll will be recorded for each question.

Poll Questions and Votes will be recorded, tabulated and submitted to the Returning Officer as follows:

Number	Question	Votes for	Votes against	Abstain (Votes for + Votes Against – Residents present)	Basis of Demand
Sequential	Agreed Text	Number	Number	Number	10 people or a third present.

Returning Officer

1. These procedures have been discussed with and approved by the Returning Officer (20 July 2022).
2. The Returning Officer will determine whether the questions meet the test of local relevance and whether they can be accepted when they are submitted.
3. The Returning Officer will decide how to interpret the results of the Vote on any questions.
4. If the Returning Officer decides that the questions can be accepted, they will conduct the poll.

Conduct of a Parish Poll

If the Returning Officer decides to conduct a poll, it will be carried out between the hours of 4 in the afternoon and 9 at night on the day fixed by the Returning Officer which shall not be earlier than the fourteenth day nor later than the twenty-fifth day after the day on which the poll was demanded. The Poll will be in person only and there will be no postal voting.

The Town Council will pay for any Poll.

<ends>

JCSB Town Clerk (20 July 2022)

ⁱ Under LGA 1972, Sch. 12 Part 3, 15(1) (a)

ⁱⁱ Notice of Parish Meeting <https://www.kirkby-stephen.com/app/uploads/20220726-Notice-of-Meeting-Town-Meeting-on-Appleby-Horsefair.pdf>