

# Genetically Modified Food and Crops: Our Right to a Local Referendum

## Introduction

If one thing is clear from the debate about genetically modified (GM) food and crops it is that public opinion is firmly against them until they have been proven to be safe. It is also clear that the Labour Government has been out of touch with public concern for a long time and is prepared to ignore the potential risks to human health and the environment posed by this new and inadequately-tested technology. A lack of democracy has characterised the introduction of GM food and crops into the UK from the very start. The public was never consulted about whether GM food should be introduced into our diet and numerous local objections to GM test sites have been ignored by the Department of Environment, Transport and the Regions (DETR).

It is very important at this stage to increase pressure on MPs to take note of public opinion, and to get local authorities and key decision-makers to consider the issue very carefully. One way to do this is to use some very

helpful legislation which gives local people a legal right to call a referendum (Parish Poll) on GM food and crops. This briefing describes how to do it.

## What gives us the right?

The 1972 Local Government Act, Schedule 12, Part III, paragraphs 15-18\*, gives members of a parish the **right** to call a referendum on any matter of concern to their parish - in this case, GM food and crops - as long as certain criteria are fulfilled (explained below). Copies of the Act are available in any local library.

*\* For Wales, the legislation reference is: Local Government Act 1972, Schedule 12, Part V, paragraphs 30-38.*

## Who can call a referendum?

Referenda can be called in any civic parish in England (Community in Wales). A parish is the smallest level of local government and generally covers small towns and

villages in rural areas. This means that London and most large cities are excluded from the provisions of the Act.

Some parishes have Parish Councils and others do not. Whether there is a council or not does not affect the right of parishioners to call a referendum.

## Who pays for a referendum?

Those parish members requesting that a referendum be held do not have to pay for it themselves. The District Council is required to pay for the referendum. There are conditions which could affect the way this happens.

District Councils are only required to pay the costs of parish referenda up to the maximum amount they have set for such purposes (called a 'scale'). A District Council can, however, require the Parish Council to repay the costs of holding the referendum. But it cannot require the Parish Council to pay for the referendum before it is held, i.e. it cannot say that it will only agree to the referendum being held if the Parish pays the costs initially.

Note: It does seem to be common practice, however, for District Councils to recharge the costs to Parish Councils.

## How do I call a referendum?

There are two stages to the process. The first is to convene a parish meeting and the second is to obtain a majority vote in favour of holding a parish referendum at the meeting.

## Convening a parish meeting

Six or more parishioners, who must all be on the electoral roll for the parish, can convene a parish meeting to consider any business which is a matter of concern to the parish. There is no requirement in the Act for parishioners to ask for the permission of the Parish Council to do this - we have the right to do it on our own. In the interests of building good relations with your parish officers and bringing them with you, however, it is obviously desirable to inform the Parish Council that you intend to hold a parish meeting.

To convene a parish meeting the following conditions must be met:

- At least seven clear days notice must be given to

the public (and obviously the longer notice you can give the higher attendance will be).

- The meeting is publicised in a conspicuous place in the parish AND anywhere else deemed desirable by the convenors. Meeting the first part of this condition would entail posting a public notice in a place such as a shopping centre, local library, or window of a local newspaper shop. The second part of the condition is obviously up to you - but once again, the more widely publicised the meeting is, the higher attendance will be.
- Public notice of the meeting must specify the time, place and business of the meeting (i.e. the issue to be discussed).
- The notice must be signed by all those who have convened the meeting (6 parishioners).
- The meeting cannot start before 6pm and must not be held in licensed premises (i.e. where alcohol is served)!

## Wording the public notice

The purpose of the meeting is to discuss the issue of GM food and crops in the parish, and ultimately to obtain a referendum where people can vote and hopefully express their opposition to GM food and crops. The public notice needs to be carefully worded to achieve this: it needs to specifically relate to the jurisdiction of the parish. The following wording is suggested:

*“NOTICE IS HEREBY GIVEN*

*Pursuant to Paragraph 15(2) of Schedule 12 of the Local Government Act 1972, a parish meeting of the [XXX] Parish will take place at [insert time] on [insert date] at [insert place] to discuss the following business, namely:*

*To decide the following questions:*

- *Should genetically modified crops be grown in the Parish of [XXX]?*
- *Should [insert names of all local authorities relevant to the Parish, e.g. District Council] provide genetically modified food whilst carrying out their statutory functions within the Parish of [XXX]?*

## ALL WELCOME!

*Note: These questions shall, in the first instance, be decided by the majority of those present and voting (those who are registered electors in the Parish of [XXX]). However, a referendum may be demanded before the close of the meeting on either or both of these questions, if the person presiding consents or a referendum is demanded by at least 10, or one-third, of the local government electors present at the meeting, whichever is less.*

Signed by:

*[insert signatures of all 6 convenors of the meeting here]*

*being each of the 6 local government electors convening the meeting”.*

### At the parish meeting

During the course of the parish meeting, the following must happen if you are to obtain a referendum at the end of the meeting:

- The meeting must be chaired by the chair or vice-chair of the parish council or, by a person elected by the meeting.
- Minutes must be taken.
- The business which has been detailed in the public notice is discussed at the meeting and voted upon by those who are registered local electors.
- Only local parishioners (electors) are allowed to speak or vote at the meeting, though anyone from the parish can attend.
- Before the close of the meeting, e.g. after the vote has been taken, at least 10 registered electors who are present, or one-third of the electors present (whichever is less), can demand a referendum.
- The Chair of the meeting must notify the District Council, and provide the information required to enable the District Council's returning officer to give notice of the poll.
- The District Council Returning Officer must then organise the parish referendum.

- The referendum must take place between 14-25 days after the day on which it was demanded. The District Council only has to give the public 5 days notice of the referendum, so you will have to work hard and fast to make sure as many people as possible know about the referendum.

### How does the referendum work in practice?

- The Returning Officer is responsible for setting up the polling stations, conducting the count and so on.
- Parish Polls are held between 4pm and 9pm, i.e. they are only 5 hours long (not as long as for elections).
- They may be held on any day of the week, not necessarily the traditional Thursday.
- Postal votes and proxy votes are not allowed.
- No polling cards are issued.

It will take a good deal of work to ensure, firstly, that people in your parish know about the referendum, and secondly, that they can come out to vote. You will need to plan well in advance and ensure that you can cover the costs of publicity etc.

### Ensuring a good voter turn out

There are a variety of ways to ensure a good turn out for the referendum:

- Create leaflets and posters to advertise, firstly, the parish meeting and secondly, the referendum. Try to use colour if you can or eye catching images to catch people's attention.
- Distribute leaflets to as many houses as you can, or hand them out in the high street or from a stall in the main shopping centre.
- Try to get free advertising space in your local newspapers.
- Write a press release or feature article for your local newspapers. It's an exciting local development which the local media should snap up!
- Give interviews on local radio.
- On the day of the parish meeting organise a

presence in the town centre and near to the meeting to encourage as many people as possible to participate. Give out leaflets or hold placards which people can read as they pass by.

- On the day of the referendum organise a presence in the shopping/town centre, and near to and at the polling station, again using leaflets and placards, to encourage as many people as possible to vote.

## What happens after the Referendum?

It is not compulsory for anybody to do anything with the results of the referendum, but providing you achieved a good turn-out for the referendum it can prove to be a very powerful lobbying tool with local decision-makers. Below are a few ideas about how you can use the voting results to achieve a local GM-free zone:

- Persuade your County Council (which is responsible for social services in your parish) to go GM-free in any catering they provide within the parish, e.g. at Council meetings or events, school dinners, meals-on-wheels, homes for the elderly, County Council workplace canteens etc.
- Persuade your MP to support GM campaigns such as: Alan Simpson MP's *GM Food and Producer Liability Bill* (ring FOE for a copy of this); supporting the campaign for a Five Year Freeze on the commercial growing and importing of GM crops and food. Ring 0207 837 0642 for more details or check out the Freeze Campaign website at:  
<http://dSPACE.dial.pipex.com/gealliance/>
- Persuade local food shops, supermarkets, restaurants, fast food chains and other food outlets to go GM-free by demonstrating that they will have a market advantage if they can cater for the demand for GM-free food.
- Persuade local farmers not to host GM test sites on their land or grow GM crops commercially (if and when GM crops are given commercial consent to be sold to farmers).
- Persuade local farmers to go organic and supply local demand for alternatives to GM food.

## Trouble-Shooting

Anyone wishing to organise a parish referendum may come across some problems which it is useful to have advance warning about. Parish Council officers may be obstructive or reluctant to help you because of the amount of work involved, the cost or simply because they don't like having the boat rocked! It is not necessarily because they are pro-GM. So give them the benefit of the doubt and approach the process with a co-operative frame of mind.

Here are a few examples of obstructive tactics which Councils may use to scupper your plans:

- They may argue that they have no regulatory function in relation to GMOs, so there is no point in holding a referendum at the parish level. It is true that they have no regulatory function. However, a meeting can be convened to consider "parish affairs" and the planting of GM crops within the parish, and the serving of GM food in local authority schools, homes, etc. within the parish are certainly parish affairs.
- The Parish Council can also make representations to or file standing objections with the Department of Environment, Transport and the Regions, against proposed GM releases in their area.
- The Parish Council may try to dissuade you at all stages of the process because of the cost of holding the referendum, but you still have the right to convene a parish meeting and demand a referendum at that meeting, whatever their objections.
- The Parish Council may ask the 6 electors who have convened the parish meeting to pay for certain expenses, e.g. the hire of a public building for the meeting. This is not legitimate.
- At the meeting, the Parish Clerk or the Chair may try procedural tactics to prevent the referendum being called, for example, saying that the call for the referendum needs to be passed back to the Parish Council for approval, or attempting to close the meeting before the vote has taken place, or the referendum has been demanded. None of these ploys are legitimate and someone in the meeting will need to be

prepared to simply stand up and demand that the discussion and vote continue uninterrupted and that the referendum be held (as the legislation allows).

- Obstructive chairs and vice-chairs of the parish council may decide not to turn up, and/or might refuse to bring or sign the legally-required minute book. Fear not! If neither are present, the meeting is entitled to appoint its own chair, and s/he is entitled to sign the official minute book if it is there. If it is not there, take your own book and make your own minutes and ensure that the chair of the meeting signs it at the meeting. Needless to say, parish officers acting in this manner will not be complying with their duties as public officials.

## Other useful information

The name and address of local Parish Council Clerks are kept by District Councils. Contact details of District Councils can be found in the *Municipal Yearbook*. Most local libraries will stock a copy of this book.

Local libraries also have copies of the Local Government Act 1972, but if you have trouble finding this you can write to the address below and FOE will provide you with a copy of the relevant sections. (You may find it useful to directly quote the Act if you have an obstructive Council).

FOE would like to hear how you get on. Please write to us with details of your experience.

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