



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE ELECTORAL MATTERS COMMITTEE**

**WEDNESDAY 20TH JANUARY 2010**  
**AT 5.00 P.M.**

**THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE**

MEMBERS: Councillors Mrs. J. M. L. A. Griffiths (Chairman), Mrs. R. L. Dent (Vice-Chairman), Mrs. J. M. Boswell, Mrs. A. E. Doyle, J. T. Duddy, Ms. H. J. Jones, D. McGrath, D. L. Pardoe, R. D. Smith and L. J. Turner

**AGENDA**

1. To receive apologies for absence and notification of substitutes
2. To confirm the accuracy of the minutes of the meeting of the Electoral Matters Committee held on 18th November 2009 (Pages 1 - 2)
3. Declarations of Interest
4. Review of Lickey End Parish Council (Pages 3 - 16)
5. Report: Polling Station Review (Pages 17 - 20)
6. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS  
**Chief Executive**

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

11th January 2010

# Agenda Item 2

## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE ELECTORAL MATTERS COMMITTEE

WEDNESDAY, 18TH NOVEMBER 2009

AT 5.00 P.M.

PRESENT: Councillors Mrs. J. M. Boswell, Mrs. R. L. Dent, Mrs. A. E. Doyle,  
J. T. Duddy, Mrs. J. M. L. A. Griffiths, Ms. H. J. Jones and L. J. Turner

Observers: Councillor S. P. Shannon

Officers: Mrs. S. Mould and Mr. A. C. Stephens

1/09 **ELECTION OF CHAIRMAN**

**RESOLVED** that Councillor Mrs. J. M. L. A. Griffiths be elected Chairman of the Committee for the remainder of the municipal year.

2/09 **ELECTION OF VICE-CHAIRMAN**

**RESOLVED** that Councillor Mrs. R. L. Dent be elected Vice-Chairman of the Committee for the remainder of the municipal year.

3/09 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D. McGrath, D. L. Pardoe and R. D. Smith.

4/09 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

5/09 **MINUTES**

The minutes of the meeting of the Electoral Matters Committee held on 18th November 2008 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

6/09 **ANNUAL POLLING STATION REVIEW**

Consideration was given to a report which detailed the annual review of polling stations within the district, in compliance with The Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006.

The Committee noted the requests received from both Bentley Pouncefoot Parish Council and Blackwell Methodist Church for alternative venues to be

used as polling stations in respect of the polling districts referred to in the report.

**RESOLVED** that the review of polling districts and places, as detailed in Appendix 1 to the report, be approved and adopted.

7/09 **POLLING DISTRICT CODES**

Consideration was given to a report which detailed amendments to six of the codes used to represent the polling districts in the Charford Ward and the Marlbrook Ward.

**RESOLVED** that the revised list of polling district codes, as detailed in Appendix 1 to the report, be approved.

The meeting closed at 5.10 p.m.

Chairman

## BROMSGROVE DISTRICT COUNCIL

### ELECTORAL MATTERS COMMITTEE

20TH JANUARY 2010

#### REVIEW OF LICKEY END PARISH COUNCIL

Responsible Portfolio Holder	Councillor G. N. Denaro
Responsible Head of Service	Claire Felton

#### 1. SUMMARY

- 1.1 Members are being asked to consider the scope for the Terms of Reference for a Community Governance Review of Lickey End Parish Council. The Terms of Reference will set out what will be reviewed, what form the consultation will take and the commencement of a twelve month timetable of the review.

#### 2. RECOMMENDATION

- 2.1 That the Terms of Reference for the Community Governance Review of Lickey End Parish Council to be prepared for approval at a future meeting of this Committee are either:
- (a) Option 1 - for the abolition of the parish of Lickey End and the dissolution of Lickey End Parish Council, by consultation with local government electors of the parish and elected Councillors and Local Authorities; or
- (b) Option 2 - for a larger and wider review with consultation to include additional questions on other forms of community governance.

#### 3. BACKGROUND

- 3.1 The Council has been asked to consider a request from Lickey End Parish Council to abolish the parish of Lickey End and dissolve the Parish Council; a plan of the parish is at Appendix 1. This is being treated as a request for a Community Governance Review under the Local Government and Public Involvement in Health Act 2007 ("the Act"). The Act, the Local Government (Parishes and Parish Councils) Regulations 2008 and the DCLG/Electoral Commission Guidance on Community Governance Reviews set out the process for undertaking a Community Governance Review, which provide the opportunity

for principal councils to review and make changes to community governance within their areas. It is envisaged that reviews will normally be requested in circumstances such as where there have been changes in population, or in reaction to specific or local new issues, but can also be used to effect the abolition of a parish council.

- 3.2 The process for a Community Governance Review requires the Council to decide the Terms of Reference for the review and to consult the local community and any stakeholders on the basis of those terms of reference. The terms of reference must specify the area under review and the Council must publish the terms of reference. If any modifications are made to the terms of reference, these must also be published. Officers have taken advice on the drafting of the terms of reference and have been advised that careful consideration must be given to their preparation. A number of options exist for the scope of the terms of reference, and it is for the Committee to determine that scope. Appendix 2 is a briefing note setting out the key aspects of a Community Governance Review.
- 3.3 The purpose of this report, therefore, is for the Committee to decide upon the scope of the Review, either:
  - (a) Option 1: the consideration of a single issue, namely the abolition of the parish of Lickey End and the dissolution of Lickey End Parish Council, by consultation with local government electors of the parish and elected Councillors and Local Authorities; or
  - (b) Option 2: a larger and wider review with consultation to include additional questions on other forms of community governance; if option 2 were to be followed, the exact nature of any wider review would only become apparent following the consultation with the local community and stakeholders, but might include the creation of a separate South Marlbrook Parish Council or Community Council, or the inclusion of all or parts of the parish of Lickey End with neighbouring parish councils.
- 3.4 In undertaking this review the Council must have regard to the views of the local community and also to the DCLG guidance.
- 3.5 By way of background information, historically Lickey End was an unparished area. In November 1999 Lickey End residents held a public meeting at which the creation of a Parish Council was proposed. A consultation exercise took place in the following July at which Bromsgrove District Council found there was insufficient support to justify the establishment of a new Parish. Following a petitioner's request, the Minister of State gave support to the setting up of a Parish Council at Lickey End and subsequently Bromsgrove District Council recommended Lickey End (with the exception of Burcot) be parished. The first election for the new Parish Council took place on 7th June 2001. Anti-Parish

Council candidates were elected to the 10 vacancies (South Marlbrook Parish Ward electing 4 Councillors and Lickey End Parish Ward electing 6 Councillors).

- 3.6 In June 2001, Lickey End Parish Council submitted a formal request to Bromsgrove District Council for its own dissolution. The consultation process commenced in July 2002 and a draft proposal was forwarded by Bromsgrove District Council to the Minister in December 2002 to the effect that the Parish be abolished. The Minister confirmed no decision would be made until after the elections in May 2003. At this time 10 Anti-Parish candidates were elected. In September 2003 the Minister rejected the recommendation of the Bromsgrove District Council on the grounds:-

The ODPM believed there was no overwhelming support for the abolition. It believed the review showed that support was quite evenly balanced, notwithstanding the fact that anti-parish council candidates were elected in 2001 and 2003.

- 3.7 Further advice from the ODPM on the timescale to be adopted for another review was sent to Julie Kirkbride MP in September 2003. This stated that the only way abolition could be sought by the District Council was by undertaking a further review and making recommendations to the Secretary of State.

- 3.8 In May 2007, 10 Anti-Parish candidates stood for the 10 vacancies and were elected unopposed. A request was received from the Parish Council that the District Council should review the Parish with a view to its abolition. In November 2007, the Electoral Matters Committee recommended that, with reference to the Secretary of State, a review should be undertaken in accordance with the Act.

- 3.9 In reaching its decision, the Committee should be mindful of the Government's general policy towards community governance as set out in its White Paper - Strong and Prosperous Communities, which proposes creating strong, prosperous communities and delivering better public services through a rebalancing of the relationship between central government, local government and local people. It places emphasis on strengthening the role of parish councils and the importance of ensuring that some community governance arrangements are in place after the abolition of a parish council. The relevant section of the DCLG guidance states:

It is the Government's view that it would be undesirable to see existing parishes abolished with the area becoming unparished with no community governance arrangements in place.

The abolition of parishes should not be undertaken unless clearly justified. Any decision a principal council may make on whether to abolish a parish should not be taken lightly... Exceptionally, there may be circumstances where abolition may be the most appropriate way forward. Under the Act, the council would

need to consider local opinion, including that of parish councillors and local electors. It would need to find evidence that the abolition of a parish council was justified, and that there was clear and sustained local support for such action. A factor taken into account by the Government in deciding abolition cases, was that local support for abolition needed to have been demonstrated over at least a period equivalent to two terms of office of the parish councillors (that is, 8 years), and that such support was sufficiently informed. This means a properly constituted parish council should have had an opportunity to exercise its functions so that local people can judge its ability to contribute to local quality of life.

Where a community governance review is considering abolishing a parish council we would expect the review to consider what arrangements will be in place to engage with the communities in those areas once the parish is abolished. These arrangements might be an alternative forum run by or for the local community, or perhaps a residents' association. It is doubtful however, that abolition of a parish and its council could ever be justified as the most appropriate action in response to a particular contentious issue in the area or decision of the parish council.

- 3.10 Members should be aware that the Parish Council has never actively functioned as a parish council and that the residents and electors of the parish have not yet experienced an active and functioning parish council in Lickey End. There is strong vocal support for abolition and dissolution albeit from a small number of individuals; there is some support from one or two individuals for maintaining the Parish Council. Conducting a Community Governance Review, including canvassing the opinion of all residents and stakeholders, would ascertain the views of the majority of the residents and it is hoped will give the Council a clear steer as to the views of the community.

#### 4. **FINANCIAL IMPLICATIONS**

- 4.1 Officers estimate that to consult parish of Lickey End local government electors and Councillors (Parish, District and County) by leaflet / questionnaire, holding a public meeting and public notice would be approximately £2,500 for Option 1. The extent of consultation for Option 2 is not known as this will not become apparent until the process has begun, but the best estimate officers can provide is that the likely cost for the wider consultation which would be required under Option 2 is likely to be not less than £5,000, but not exceeding £7,500.
- 4.2 No budgetary provision currently exists for this exercise and therefore a request will be made of full Council in due course for funds to be released from balances to cover this review.



5. **LEGAL IMPLICATIONS**

5.1. A Community Governance Review must be conducted in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007 (Part 4) and the associated DCLG Guidance on Community Governance Reviews, the Local Government (Parishes and Parish Councils) Regulations 2008 and the Local Government Act 1972 (as amended). In making its decision, the Council will need to take account of the views of local people. The Council must, by section 100(4) of the 2007 Act, have regard to the guidance issued by the Secretary of State.

5.2 The 2007 Act devolves the power to take decisions about community governance reviews and their electoral arrangements to local government and local communities. The Secretary of State will therefore have no involvement in the taking of decisions about recommendations made in the community governance review and the Electoral Commission's involvement will be limited to giving effect to consequential recommendations for related alterations to the electoral areas of the District Council. This Council has responsibility for undertaking this community governance review and will be able to decide whether to give effect to recommendations made in this review.

8. **COUNCIL OBJECTIVES**

8.1. CO2 - Improvements, priority Value for Money; and

CO3, One Community and Well Being, priority One Community, by helping to meet the needs of local communities taking into account the views of local people and their electoral arrangements.

9. **RISK MANAGEMENT**

9.1 There are no significant risks associated with the details included in this report.

10. **CUSTOMER IMPLICATIONS**

10.1 The decision of the Committee will determine the extent to which local communities are consulted on the Review. However, in conducting the review the Council will ensure that the affected communities are properly consulted.

11. **EQUALITIES AND DIVERSITY IMPLICATIONS**

N/A

12. **VALUE FOR MONEY IMPLICATIONS**

12.1 Not applicable in this case.

13. **OTHER IMPLICATIONS**

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety, including Section 17 of Crime and Disorder Act 1998 None
Policy None
Environmental None

14. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder: Cllr. G. N. Denaro	Yes
Chief Executive as Returning Officer	Yes
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Financial Services	Yes
Head of Legal, Equalities and Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

15. **WARDS AFFECTED**

- 15.1 Marlbrook Ward and Norton Ward, with a wider Community Governance Review possibly affecting neighbouring wards, depending on its extent.

16. **APPENDICES**

Appendix 1 - Map of Electoral Area

Appendix 2 - Briefing note on Community Governance Reviews

**CONTACT OFFICER**

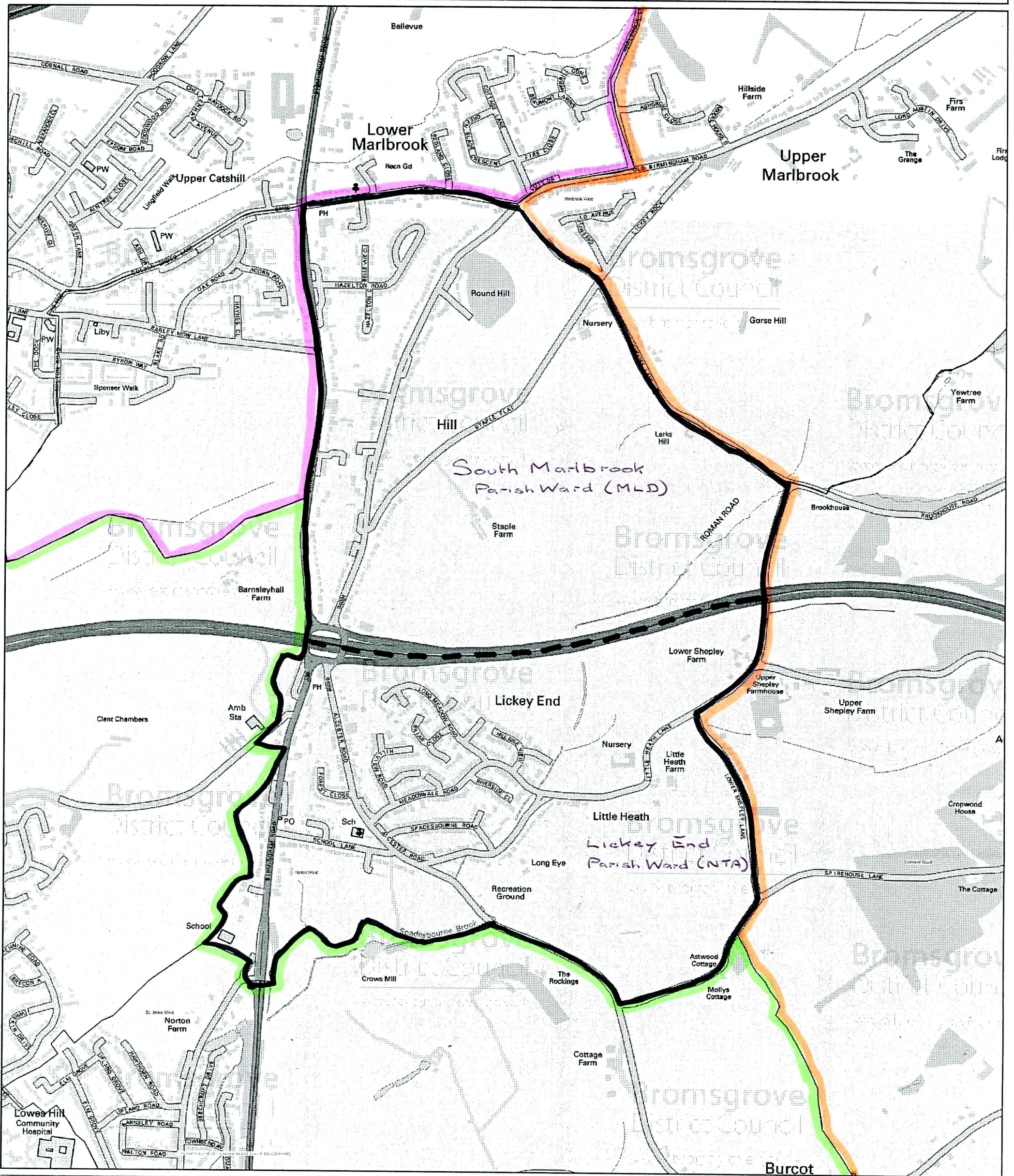
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# Lickey End Parish



- Parish of Lickey End
- Parish of Catshill and Marlbrook
- Parish of Lickey and Blackwell
- Unparished

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### Community Governance Reviews - Briefing Note

#### Powers to conduct reviews and terms of reference

The government's guidance is that principal councils should keep their area under review, and that it would be good practice for a principal council to consider conducting a review every 10-15 years, except in areas with a low population. The extent of the area to be covered in a review should be considered: whole area or a part of the area. Timing of reviews should also be considered, with the government's advice that it should be undertaken well in advance of electoral reviews of the principal area.

A community governance review is a review of the whole or part of the principal council's area for the purpose of making recommendations with regard to creating, merging or abolishing parishes, the naming of parishes, the electoral arrangements for parishes and grouping arrangements for parishes. A principal council may undertake a community governance review, and the government has seen the Local Government and Public Involvement in Health Act 2007 as stream-lining the whole process. The review is undertaken in accordance with the Act, being mindful of government Guidance and complying with the Terms of Reference. There are requirements for the district council to notify the county council that a review is to be undertaken and its terms of reference.

Section 81 of the Act requires the principal council to draw up terms of reference for the review. These must specify the area under review. It is for the principal council to decide these terms of reference, and any modifications to make to existing terms of reference. However, as soon as practicable after deciding terms of reference or modifying them the principal council must publish them. The principal council "begins" a community governance review when the council publishes the terms of reference of the review.

The principal council must comply with the duties in section 93 when undertaking a community governance review and guidance issues by the Secretary of State and Electoral Commission. However, subject to these duties, it is for the principal council to decide how to undertake the review. The principal council must consult the local government electors for the area under review and any other person or body (including a local authority) who appears to have an interest in the review.

The two touchstones of the review process are still in place in section 93. The principal council must have regard to the need to secure that community governance within the area under review:

- reflects the identities and interests of the community in that area; and
- is effective and convenient.

In addition, the principal council must take into account any other arrangements (apart from those relating to parishes and their institutions) that have already been made, or that could be made for the purposes of community representation or community engagement in respect of the area under review. Government guidance sees other forms of community governance as possible more appropriate or alternative or stages towards establishing parish councils, and lists such other forms.

The principal council must take into account any representations received in connection with the review. As soon as practicable after making any recommendations, the principal council must publish the recommendations and take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations. Likewise, the government guidance is that any consequential matters that are referred to must have been fully consulted on.

The principal council must conclude the review within the period of 12 months starting with the day on which the council begins the review; government guidance is that the same completion applies to the consequential matters. The principal council "concludes" a community governance review when the council publishes the recommendations made in the review. The following is an indicative timetable:

<b>Action</b>	<b>Timetable</b>	<b>Example</b>
Introductory stage - submissions are invited	Two months	January 1 - February 29
Draft Proposals are prepared	Two months	March 1 - April 30
Draft Proposals are published		May 19
Consultations	Three months	May 19 - August 18
Final Proposals are prepared	One month	September 22
Final Proposals are published		October 6
Council publishes the Recommendations	Two months later	December 1
Council makes a Re-organisation Order	thereafter	

The principal council completes its review by making a Re-organisation Order in accordance with Section 86. The Order may revoke provisions of previous orders. The Order must include a map showing in general outline the area affected by the order. The Order may not give effect to "protected electoral arrangements" unless the Electoral Commission agrees to it, and the protected electoral arrangements are defined as:

- the electoral arrangements relate to the council of an existing parish;



- the electoral arrangements were made or altered in an order made under Section 17 of the Local Government Act 1992 or under Section 14 of the Local Government and Rating Act 1997;
- that order was made during the period of five years ending with the day on which the community governance review started.

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## BROMSGROVE DISTRICT COUNCIL

### ELECTORAL MATTERS COMMITTEE

20TH JANUARY 2010

#### ST JOHNS WEST (SJA) POLLING STATION REVIEW

Responsible Portfolio Holder	Councillor G. N. Denaro
Responsible Head of Service	Claire Felton

#### 1. SUMMARY

- 1.1 To undertake a review of the St. John's West Polling District (SJA) polling place with the likelihood of the imminent demolition of the current polling place, the Market Hall, St. John Street, Bromsgrove.

#### 2. RECOMMENDATION

- 2.1 That the Committee approve and adopt as the alternative polling place for the St. Johns West Polling District (SJA) either:
- (a) United Reformed Church Hall, Windsor Street, Bromsgrove; or
  - (b) The Communal Room, Willow Court, Willow Road, Bromsgrove.

#### 3. BACKGROUND

- 3.1 The Market Hall, St. John Street, Bromsgrove is currently the approved polling place for the St. John's West Polling District (SJA) and is under tender to be demolished in early 2010. A General Election must be held by 3rd June 2010 and an alternative polling place is required to be approved for use at this election if the Market Hall is no longer available for use.
- 3.2 Consultation has been sought from District and County Council Members.

#### 4. FINDINGS

- 4.1 All polling places and polling stations within the District are evaluated in terms of suitability and accessibility. The law says that facilities for voting must be reasonable and practicable. What this means in practice is a matter of judgement, but there is certainly no duty on the Council to make an unreasonably

high level of provision, or to provide facilities in locations where it is impracticable to do so.

4.2 The United Reformed Church Hall, Windsor Street, Bromsgrove has previously been used as a polling place. It has a large main room suitable for use as a polling station and the toilet facilities have recently been renovated to DDA standards. There are two small steps to the double door entrance to the Hall which will require a temporary ramp to be put into place at an election. The owners of the Hall have indicated that they are seeking finance to provide a permanent ramp to this door. Car parking at the Hall is limited but there is a public car park within 20 metres.

4.3 Willow Court, Willow Road, Bromsgrove has also previous been used as a polling place. It has a large communal room which is suitable for use as a polling station whilst still retaining security for the remainder of the sheltered accommodation. There is good car parking, kitchen and toilet facilities and the communal room has a separate access which is fully DDA compliant.

## 5. **FINANCIAL IMPLICATIONS**

5.1 There will be a cost for provision of a temporary ramp for access where there is small step at the double door entrance to the United Reformed Church Hall which can be recovered from the General Election accounts claim.

## 6. **LEGAL IMPLICATIONS**

6.1 Review of polling places is conducted in accordance with the requirements of Section 18C of the Representation of the People Act 1983.

## 7. **COUNCIL OBJECTIVES**

7.1 CO3 - Sense of Community and Well Being - Helping to meet the needs of our customers by eliminating discrimination and promoting equality.

## 8. **RISK MANAGEMENT**

8.1 There are no significant risks associated with the details included in this report.

## 9. **CUSTOMER IMPLICATIONS**

9.1 Changes of polling stations will be identified to the elector by a special note included on their poll card.

10. **EQUALITIES AND DIVERSITY IMPLICATIONS**

10.1 By addressing the issues with regard to access to the Polling Stations the Council is improving access to all areas of the Community.

11. **VALUE FOR MONEY IMPLICATIONS**

11.1 Not applicable in this case.

12. **OTHER IMPLICATIONS**

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 None
Policy None
Environmental None

13. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder: Cllr. G. N. Denaro	Yes
Chief Executive as Returning Officer	Yes
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	Yes

Head of Financial Services	Yes
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

14. **WARDS AFFECTED**

St. John's Ward

15. **APPENDICES**

None

**CONTACT OFFICER**

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