

BROMSGROVE DISTRICT COUNCIL

CABINET

5th January 2011

REVIEW OF LICKEY END PARISH COUNCIL

Relevant Portfolio Holder	Councillor G N Denaro
Relevant Head of Service	Mrs C L Felton
Non-Key Decision	

1 SUMMARY OF PROPOSALS

- 1.1 A Community Governance Review of Lickey End Parish Council has been undertaken during April to November 2010. Members are advised that the outcome of this revealed the following:
- (i) that the parish of Lickey End be abolished: and
 - (ii) that Lickey End should not continue to have a Parish Council.
- 1.2 Accordingly a Community Governance Order is required under Section 86 of the Local Government and Public Involvement in Health Act 2007 to abolish the parish of Lickey End and dissolve the Parish Council with effect from 1 January 2011.
- 1.3 The Local Government (Parish and Parish Council) (England) Regulations 2008 provides for the transfer of any assets or liabilities of the parish Council to the principal Council.
- 1.4. Accordingly Lickey End Parish Council has closed its accounts and forwarded £5545.09 to Bromsgrove District Council where the same is being held in a suspense account pending a Cabinet decision in respect of how the same should be disposed of.
- 1.5 For members information officers have researched the general uses to which other abolished Council funds have been put and it would appear that the most usual procedure is for funds to be utilised for the benefit of residents within the abolished area.

2. RECOMMENDATIONS

Cabinet is asked to note the receipt of £5545.09 being the balance in the account transferred from Lickey End Parish Council and **to decide how the monies are to be spent.**

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3. BACKGROUND

- 3.1 Following the introduction of the Local Government and Public Involvement in Health Act 2007, at the Electoral Matters Committee on 20th January 2010 it was agreed that the scope of the Community Governance Review of Lickey End would be a consultation with local government electors of the parish and elected Councillors and Local Authorities for the parish of Lickey End to be unparished and for the Lickey End Parish Council to be abolished.
- 3.2 This Review commenced on 12 April 2010, when the Electoral Matters Committee of the Council published a Terms of Reference document and invited initial submissions from individuals or organisations who had an interest in the Review. In the Terms of Reference, the Council published a timetable for the Review and it published a consultation strategy. The Terms of Reference was published and distributed to individuals and organisations identified in the strategy, copies were made available at the council offices, and a press release was issued. The Terms of Reference and consultation survey of the local electors of Lickey End Parish was intended to be a prompt to local consideration, which in turn would help Bromsgrove Council to prepare Draft Proposals.
- 3.3 The period for initial submissions closed on 31st June 2010. The consultation survey of the 2,178 local electors resulted in 758 replies (34.8%) with 82.4% in favour of the Lickey End Parish being dissolved and 15.8% against. A written submission was received from a County Councillor for Lickey End expressing support of the abolition of the Parish Council¹.
- 3.4 Bromsgrove District Council published the Draft Proposals in this Review in July and there was a two month period for submission of any comments – no submissions were received during this period.
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- 3.5 The Final Proposals published in October were a summary of those included in the Draft Proposals. No further submissions were received and the Final Recommendations were:

- 1. that the Parish of Lickey End be abolished; and**
- 2. that Lickey End should not continue to have a Parish Council.**

- 3.6 An Abolition Order is to be made and available for public inspection. Additionally, the following organisations will be informed that the order has been made.

- The Secretary of State for Communities and Local Government
- The Electoral Commission
- The Office of National Statistics
- The Director General of Ordnance Survey
- Surrey County Council
- The Audit Commission.

- 3.7 The Local Government (Parish and Parish Council) (England) Regulations 2008 provide for the transfer of any property, assets rights or liabilities of a parish council to the new successor parish council, or where none is proposed to the principal council itself. In this case, any assets of Lickey End Parish Council would be transferred to Bromsgrove District Council. Although, how any monies are spent would a decision for the Council.

- 3.8 The decision taken by the Council could be challenged by way of judicial review. Any application for a judicial review must be submitted promptly and in any event within three months.

5. FINANCIAL IMPLICATIONS

- 5.1 The cost of the consultation exercise has been £1,019.

6. LEGAL IMPLICATIONS

- 6.1 A Community Governance Review has to be conducted in accordance with the requirements of the Local Government and Public Involvement in

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Health Act 2007 (Part 4) and the associated Department of Communities and Local Government Guidance on Community, the Local Government (Parishes and Parish Councils) (England) Regulations 2008 and the Local Government Act 1972 (as amended). In making its decision, the Council has 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.

- 6.2 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 therefore has no involvement in the taking of decisions about recommendations made in the community governance review and the Electoral Commission's involvement is 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 decide whether to give effect to recommendations made in this review. Governance Reviews, the Local Government (Parishes and Parish Councils) (England) Regulations 2008 and the Local Government Act 1972 (amended)

7. POLICY IMPLICATIONS

- 7.1 None identified

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 INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 None identified.

10. CUSTOMER IMPLICATIONS

- 10.1 In conducting the review the Council has ensured that the affected communities have been properly consulted.

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11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None identified

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 None identified

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 None identified

14. HUMAN RESOURCES IMPLICATIONS

14.1 None identified

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None identified

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 None identified

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None identified

18. LESSONS LEARNT

18.1 None identified

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 Consultation with all registered local government electors, local Parish Councillors, District Councillors and County Councillors of the parish of Lickey End.

20. OTHERS CONSULTED ON THE REPORT

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Portfolio Holder Cllr G N Denaro	Yes
Chief Executive as Returning Officer	Yes
Executive Director (S151 Officer)	Yes
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service – Claire Felton	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

Marlbrook Ward and Norton Ward

22. APPENDICES

None identified

23. BACKGROUND PAPERS

Department of Communities and Local Government – Guidance on Community Governance review

24. KEY

AUTHOR OF REPORT

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