

**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

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