

**BROMSGROVE DISTRICT COUNCIL**

**ELECTORAL MATTERS COMMITTEE**      **26TH JULY 2010**

**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 At its meeting on 12th April 2010, the Committee resolved that a community governance review of Lickey End Parish Council be undertaken and its terms of reference in accordance with the provisions of the Local Government and Public Involvement Act 2007.
- 1.2 A community governance review commenced with the consultation survey of the Parish local government electors during May and June and consultation with local Ward/Division Councillors for that electoral area.
- 1.3 The community governance review consultation survey has now been concluded and the timetable requires draft and final proposals to be published.

**2 RECOMMENDATION**

- 2.1 That the results of the community governance review consultation survey be noted and that the following consequential recommendations be approved as draft proposals:
1. that the Parish of Lickey End be abolished; and
  2. that Lickey End should not continue to have a Parish Council.
- 2.2 That subject to there being no further written submissions received during the draft consultation period set out in the review timetable, these draft proposals be accepted as the final recommendation for the community governance review in accordance with the review timetable.
- 2.3 That subject to there being no further written submissions received during the final consultation period set out in the review timetable, the Head of Legal, Equalities and Democratic Services proceed to the making of an Order 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 1st January 2011.

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#### **3. BACKGROUND**

- 3.1 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 petitioners request, the Minister of State gave support in setting up 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 at which 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).
- 3.2 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 that:
- 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.
- 3.3 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. The Government is prepared to accept reviews that recommend abolition only where it is satisfied that support for abolition has been maintained over a sufficient length of time, amongst other considerations. A period of at least two normal council terms (that is, 8 years) is considered sensible for this purpose. The advice stressed that 8 years was not a magic number and that every case would be considered on its merits. Certainly they would wish to establish that any subsequent review showed there was overwhelming support for abolition and that the support was sufficiently informed.
- 3.4 In May 2007, 10 anti-parish candidates stood for the 10 vacancies and they were elected unopposed. A request was received that the District

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- Council reviews 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 Local Government and Public Involvement in Health Act 2007.
- 3.5 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.
- 3.6 The terms of reference (Appendix 1) of the governance review were agreed at a further meeting on 12th April 2010 as follows:
- Area of Review: The electoral parish of Lickey End
  - Focus of review: Should the present Parish of Lickey End be abolished and the Parish Council dissolved?
  - Commencement of Review: April 2010
  - Conclusion of Review: Within twelve months of the commencement
- 3.7 In undertaking the community governance review, a leaflet (see copy of leaflet at Appendix 2) was sent to all local government electors in the Lickey End Parish with a 'Yes' or 'No' option. The leaflet was hand delivered between 21st and 24th May 2010. The deadline for responding was 30th June 2010. The exercise was publicised by press release, notices and on the Council's website. All parish, district and county councillors representing the Lickey End Parish, the Lickey End Parish Council and the Worcestershire County Council were contacted for submission of their views.
- 3.8 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 full breakdown of the result is set out in Appendix 3. Written submissions were received from a County Councillor for Lickey End expressing support for the abolition of the Parish Council. A copy of the written submission is at Appendix 4.
4. **KEY ISSUES**
- 4.1 When making recommendations, the principal council must ensure that the community governance in the area under review reflects the identities

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- and interests of the community in that area and is effective and convenient. It must also take into account any other arrangements that have already been made for the purpose of community representation or community engagement.
- 4.2 In making recommendations, it should be noted that Lickey End will continue to be represented by two Districts Councillors and two Worcestershire County Councillors. Services will remain available from the Council House and at the Customer Service Centre in Bromsgrove which is within reasonable distance from Lickey End, as well as being accessible from the Bromsgrove District Council and Worcestershire County Council websites.
- 4.3 There would be no impact on community cohesion if the parish council were to be abolished, given that the election of Parish Councillors has been on an 'Anti-Parish Council' campaign at the last two Parish Council elections. The remaining community governance arrangements would continue to reflect the identities and interests of the community of Lickey End, and there would continue to be proper community representation and engagement for the residents of Lickey End.
- 4.4 The recommendations stated in paragraph 2.1 above will be published in the local press and on the Council's website. A notice of the draft recommendation will be issued and local councillors and other organisations listed in the terms of reference document will be contacted.
- 4.5 Subject to there being no further written submissions being received by the close of the draft recommendation stage on 30th September, the final recommendation will reflect those draft recommendations and be published in accordance with the review timetable as stated in paragraphs 2.2 and 2.3.
- 4.6 Bromsgrove District Council must publicise how the Council has given effect to the review and the Order must be available for public inspection. Additionally, the following organisations must 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
  - Worcestershire County Council
  - The Audit Commission

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- 4.7 The Local Government (Parish and Parish Council) (England) Regulations 2008 provide for the transfer of any property, assets rights or liabilities of the parish council to a 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 be a decision for the Cabinet.
- 4.8 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 within three months.
- 4.9 Where it is agreed that the parish of Lickey End and the Parish Council should be abolished, the Chief Executive will write to the Parish Council regarding the arrangements for the closure of the Parish Council.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 The cost of the consultation exercise to date has been £973.76.

#### **6. LEGAL IMPLICATIONS**

- 6.1 A Community Governance Review is to be conducted in accordance with the requirements of the Local Government and Public Involvement in 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 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.
- 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 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. Governance Reviews, the Local Government (Parishes and Parish Councils) (England) Regulations 2008 and the Local Government Act 1972 (amended).

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**7. POLICY IMPLICATIONS**

7.1 None identified.

**8. COUNCIL OBJECTIVES**

8.1 CO2 - Improvement (Priority: Value for Money); and CO3 - One Community (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 AND SAFETY CONSIDERATIONS**

9.1 None identified.

**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**

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.

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16.    **COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF THE 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**

20.1	Portfolio Holder	Yes
	Chief Executive (Returning Officer)	Yes
	Executive Director (S.151 Officer)	Yes
	Executive Director - Leisure, Cultural, Environmental and Community Services	No
	Executive Director - Planning and Regeneration, Regulatory and Housing Services	No
	Director of Policy, Performance and Partnerships	No
	Head of Planning and Regeneration Services	No
	Head of Resources	No
	Head of Legal, Equalities and Democratic Services	Yes
	Corporate Procurement Team	No

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21. **WARDS AFFECTED**

21.1 Marlbrook Ward and Norton Ward

22. **APPENDICES**

22.1 Appendix 1 - Terms of Reference of Community Governance Review and map

Appendix 2 - Copy of Consultation Leaflet

Appendix 3 - Notice of Result of Consultation Survey Question

Appendix 4 - Copy of written submission by County Councillor Mrs. M. Bunker

23. **BACKGROUND PAPERS**

23.1 Department of Communities and Local Government - Guidance on Community Governance review

24. **KEY**

24.1 N/A

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