

## **Request to Change Name of Parish Council - Cranbrook**

**To:** General Purposes Committee

19 November 2008

**Main Portfolio Area:** -

**Author of report:** Mike McGeary, Democratic Services Manager

**Classification:** Non-exempt

**Wards:** Benenden and Cranbrook and Frittenden and Sissinghurst

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### **Executive Summary**

This report (081119/GP001) explains the process and timescale for implementing a request from Cranbrook Parish Council, for a change of name to "Cranbrook and Sissinghurst Parish Council".

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### **Corporate Priorities**

This issue falls within the following Corporate Priorities: Develop safer and stronger communities; and Ensuring that we are well-managed, proactive and deliver value-for-money services.

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### **Report status**

This report is for decision by the General Purposes Committee.

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### **Route to Implementation/Timetable**

If the recommendation is approved by this Committee, the process set out in paragraph (4) can begin.

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## **Report of Head of Finance and Governance (continued)**

### **Background/Introduction**

1. Cranbrook Parish Council has requested that the Borough Council undertakes the statutory process to give approval to a change of name to “Cranbrook and Sissinghurst Parish Council”. This report sets out the process and likely timetable for implementation.
2. It should be noted that Sissinghurst is a parish ward within the Cranbrook Parish Council area. Where there might have been some confusion – and possibly what has led to this request for a name change – is that there are two separate Borough Council wards, namely: (i) Benenden and Cranbrook and (ii) Frittenden and Sissinghurst.
3. At the last Borough Council Periodic Electoral Review, in 2001, it was decided that the Frittenden and Sissinghurst Borough ward should remain unchanged, in order to meet the necessary criteria regarding representation, i.e. that each Borough councillor should represent a similar number of electorate, within a + or – margin.

### **Process**

4. The statutory authority for a change of name of a parish or town council is set out in the Local Government Act 1972. The section is very brief and does not set out what consultation process should be adopted, so the following sets out a recommended course of action:
  - (a) the ward councillors for the Benenden and Cranbrook and the Frittenden and Sissinghurst Borough wards should be consulted;
  - (b) similarly, Kent County Council should be invited to comment on the proposals; and
  - (c) it is also recommended that Cranbrook Parish Council publishes public notices of its intention, to demonstrate, as far as possible, support for this change.

### **Timescale**

5. If this Committee accepts this proposed way forward, the above consultation process should be completed within a 6-week period, as defined within the Borough Council’s Constitution. That takes us to early January 2009.
6. It is recommended that, if there are no objections to the proposal, it be implemented as soon as possible after 1 January. If, however, there are objections which cannot be overcome by negotiation, the matter should be brought back to this Committee on 14 January, for agreement as to the way forward.

## **Cross cutting issues**

### *Legal*

7. Section 75 of the Local Government Act 1972 sets out the statutory authority for changing the name of a parish or town council. More recent legislation, namely the Local Government and Public Involvement in Health Act 2007, also makes reference to the statutory authority given to district councils. The accompanying guidance issued by the Electoral Commission does not appear, however, to have changed the procedure outlined in this report. Once the process has been completed, the Borough Council is required to notify the Secretary of State, Ordnance Survey and the Registrar General.

### *Finance and other resources, including ICT*

8. There should not be any significant costs involved for the Borough Council in the process of consulting on and implementing this proposal.

### *Staffing*

9. This process involves staff within the Democratic Services section but should not have any impact on normal operations.

### *Value for money*

10. N/A

### *Risk Management*

11. None

### *Equalities*

12. No issues arise from this proposal.

### *Safer & Stronger Communities*

13. The outcome of this process will probably have a beneficial impact on the parish, strengthening the sense of 'community'.

### *Environment / Sustainability*

14. None

### *Human Rights Act*

15. No issues arising.

### *Communication and Consultation*

16. Although the Act does not set out a recommended consultation process, a common sense approach has been taken, as set out in paragraph (4).

## **Conclusion**

17. The Council is required to respond to this request in accordance with the statutory provisions mentioned. The proposed consultation process is a recommended way forward. If no objections are raised, this can be implemented but if there are issues raised which cannot be overcome through negotiation, the matter must be presented to this Committee again.

**Recommendations:**

- (1) That Cranbrook Parish Council be advised that the Borough Council supports its request;
- (2) That the Parish Council be advised of the consultation process to be followed, as set out in paragraph (4); and
- (3) That, should no objections be raised, the proposal be implemented immediately but, if necessary, the matter will be reported back to this Committee in January.

**Reason for recommendations:**

18. In order to give effect to the wishes of the Parish Council.

**Contact Officer:** Mike McGeary, Democratic Services Manager, Tel 01892 554179

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**Sean Clark**

Head of Finance and Governance

**Appendices:** None

**Background Papers:**

The Local Government Act 1972, section 75

E-mails from Paul Fisher, Head of Legal Services, Maidstone Borough Council and from Neil Harris, Democratic Services Manager, Maidstone Borough Council, dated 16 September 2008