



Case study on a Community Governance Review

LICKEY END PARISH COUNCIL (WORCESTERSHIRE)

The context

This case study describes a Community Governance Review undertaken by Bromsgrove District Council, the outcome of which was the abolition of Lickey End Parish Council. The former parish reverted to an unparished area from January 2011.

Historically, Lickey End was an unparished area in a mainly parished district. 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 where 61% of the electorate were in favour of a new parish and 38% were against, from a turnout of 38% of the total electorate of 2,159. Bromsgrove District Council concluded that there was insufficient support to justify the establishment of a new Parish. Nevertheless, following a petitioner's request, the Secretary of State gave support to the setting up of a Parish Council at Lickey End and so Bromsgrove District Council was required to recommend that the area be parished.

The parish is a small settlement north of Bromsgrove in the north-eastern part of Worcestershire. It comprises two wards, South Marlbrook and Lickey End, divided by the M42 motorway. The main population of the parish lives in the Lickey End ward, south of the motorway. It had consisted largely of ribbon development along the Old Birmingham Road until the completion of a larger development of housing in the 1990s.

What happened in the review

The decision to create the council was contentious. It was not supported by the principal authority and there was opposition by residents even at the time of vesting. The opposition was focused on the additional layer of bureaucracy and the possibility of double taxation through the precept. The first election for the new Parish Council took place in June 2001. Anti-parish council candidates stood against pro-council candidates for the 10 seats and won them all. Following this, Lickey End Parish Council submitted a formal request to Bromsgrove District Council for its own dissolution.

A consultation process began in July 2002 and a draft proposal was forwarded by the District Council to the Secretary of State in December, recommending that the parish should be abolished. That decision was delayed until after the elections in May 2003 (when the 10 anti-parish candidates were re-elected). Nevertheless, in September 2003 the Office of the Deputy Prime Minister rejected the District Council's recommendation on the grounds that there was no overwhelming support for abolition. It considered that the review showed support was quite evenly balanced, notwithstanding the fact that anti-parish council candidates had been elected twice.

In May 2007, 10 anti-parish candidates again stood for the 10 vacancies and were elected, this time unopposed.

"I think that by 2007 the pro-council campaign was beginning to lose heart!" – former Lickey End parish clerk

The Parish Council, consistent with its abolitionist stance, undertook only those duties that were required by legislation (essentially, holding four meetings per year) and did not develop services, plans or activities. Nor did it join the local County Association of Local Councils (CALC).

A further request was received from the Parish Council that Bromsgrove should review the Parish with a view to its abolition. By this time new legislation (the Local Government & Public Involvement in Health Act 2007) had delegated responsibility for Community Governance Reviews (CGRs) to principal authorities. So in November 2007, the Electoral Matters Committee of the District Council recommended that a review should be undertaken. The Review was confined to Lickey End, with no impact on any other parish councils or wards.

That Review began in April 2010, with full terms of reference agreed and published that June. It contained only one consultation question, "Should the present parish of Lickey End be abolished and the parish council be dissolved?"

"We followed the CGR guidance, though we had been petitioned for abolition not creation, which is the more usual type of review undertaken." – Bromsgrove District Council officer

The Review team in the Electoral Services Department produced a publicity leaflet, which was distributed to every local government elector in the parish. All parish, and relevant district and county councillors were consulted directly. The survey results showed a strong majority in favour of abolition:

Total responses	In favour of abolition	Against abolition
758	625 (82.4%)	120 (15.8%)
Electorate: 2,178; Turnout: 34.8% (includes 13 rejected responses)		

Worcestershire County Association of Local Councils (WCALC) was also consulted and kept informed of progress, though it didn't make a formal submission to the review because Lickey End Parish Council was not in membership. In fact, only one written submission was received, from the Lickey End County Councillor, who supported abolition.

Bromsgrove District's full council considered the findings of its Electoral Matters Committee in July 2010 and recommended that:

- The Parish of Lickey End be abolished; and
- Lickey End should not continue to have a parish council.

Final proposals were published in October 2010 with responses sought during the next month. None were received and the Lickey End Parish Council Dissolution/Abolition Order was made in December 2010. It came into effect on 1st January 2011. The two electoral wards which made up the former Lickey End Parish Council were returned to unparished areas. No boundaries were affected.

Lessons from the review

Change in legislation

Bromsgrove was able to take advantage of the change in legislation in 2007 which delegated responsibility for Community Governance Reviews to the principal authority. This put the decision-making tools in the hands of Bromsgrove and streamlined the review process. WCALC have argued that the legislation and subsequent guidance is flawed, because it does not build in independent scrutiny or provide for decisions to be challenged. The only option available would be a full judicial review. WCALC feel that this weakens the Review process.

County association involvement

WCALC had no involvement at all in the process. This was not because they were not consulted, but because they had no locus to intervene. The Parish Council had never joined the county association. Indeed, the Council had not carried out any activities at all beyond the legal minimum requirement. The sole aim of the councillors was to abolish the Council.

For this reason, WCALC considered that its position was difficult. It actively promotes local

councils as examples of good democracy, community engagement and local action, but it could not point to Lickey End as an example of those things.

“Lickey End was not an active council, so the community never had the opportunity to experience the difference a good council can make.” – Worcestershire County Association of Local Councils

Community representation

The District Council considered the effective and convenient community governance of Lickey End, as Community Governance Reviews are supposed to do. It concluded that: the area would continue to be effectively represented by two district councillors and two Worcestershire County Councillors; services were already effectively delivered to the area; and community cohesion would not be impacted upon. This view was supported by the opposition lobby, who argued that external pressures against the abolition campaign had actually brought many in the community together. High profile articles in support of parish councils, in for instance in the Guardian newspaper, had simply reinforced many residents’ desire to see the demise of the Parish Council.

Advice and support

Putting on one side the contentious nature of Lickey End’s creation and subsequent abolition, it is accepted that the final Review was managed as a thorough and open process. Bromsgrove District Council sought advice from neighbouring councils on running a review, notably Telford & Wrekin Borough Council. It also approached authorities which were undertaking reviews to consider abolition (including Portsmouth City Council and Southsea Town Council). These contacts all proved to be useful.

Using the guidance

The District Council found the Community Governance Review guidance, produced by the Department for Communities & Local Government and the Local Government Boundary Commission for England, to be useful and clear, though it had not been written with abolition in mind, so there were some gaps. But Bromsgrove was very clear that they needed an open and transparent process to resolve the issue, particularly as the Secretary of State had earlier rejected a request for abolition.

Concluding comments

The vast majority of Reviews result in the creation of new or the amendment of existing

parishes. Abolition forms a very small minority of Review outcomes.

This case study highlights two different processes spanning the pre- and post-2007 legislative situations. It is notable that the review process moved faster under the post-2007 process of delegated Community Governance Reviews. However, it also appeared to make it simpler to abolish a local council.

There is one unresolved issue, which concerns the precept initially raised by the District Council for the incoming parish council, at its formation in 2000. The Parish Council refused to spend it (consistent with the mandate of its abolitionist councillors). This sum of £5,000 was returned to the District Council on abolition and a decision is still awaited about what to do with these public resources.

The final Review was thorough, completed in time and it adhered to the guidance. The outcome was also seen as a success by the main parties and the majority of residents. Even WCALC recognises that a parish council which does not want to do anything should not continue. Their regret is that a parish council was created which was not fully thought through and was never given a chance to act on behalf of its community.

Lickey End Parish Council website:

<http://www.bromsgrove.gov.uk/cms/council-and-democracy/elected-representatives/parish-and-town-councils/lickey-end-parish-council.aspx>

This document was written for the National Association of Local Councils (NALC) by Brian Wilson Associates and David Atkinson Consulting.

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