

## Bath & North East Somerset Council

MEETING	Council	
MEETING	12 November 2015	
TITLE:	Request by Dunkerton Parish Council to change its name to Dunkerton and Tunley Parish Council	
WARD:	Westfield	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> Appendix 1 - Letter dated 20 <sup>th</sup> October 2015 from Dunkerton Parish Council Clerk Appendix 2 - Plan showing the boundary of Dunkerton Parish Council area Appendix 3 – Draft Notice		

### 1 THE ISSUE

- 1.1 The Dunkerton Parish Council, in the district of Bath and North East Somerset wishes to change its name to Dunkerton and Tunley Parish Council.

### 2 RECOMMENDATION

That Council:

- 2.1 Notes the receipt of the request from Dunkerton Parish Council to change its name and agrees to the making and publication of a Notice under Section 75 of the Local Government Act 1972 to change the name of Dunkerton Parish Council to Dunkerton and Tunley Parish Council.

### 3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 The Council is required to comply with certain statutory notification and publicity measures however the anticipated costs will be minimal and can be managed within the existing budget.

## **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The Local Government Act 1972 Section 75 (1) states that at the request of the parish council or, where there is no parish council, at the request of the parish meeting, the council of the district in which the parish is situated may change the name of the parish.
- 4.2 Section 75 (2) states that notice of any change of name under section 75 (1) shall be sent by the district council concerned to the Secretary of State (in this case of the Department of Communities and Local Government), Director General of the Ordnance Survey and the Registrar General.
- 4.3 Under Section 75 (2) such notice shall also be published by the district council in the parish and elsewhere in such a manner as the district council considers appropriate.
- 4.4 Section 75 (3) states that a change of name made in pursuance of the section shall not affect any rights or obligations of any parish or of any council, authority or person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.
- 4.5 The parish council has, in an effort to ensure that other alternative names were considered, discussed the matter with parishioners at the meetings on 14th May, on 18<sup>th</sup> June (when a number of other alternatives were put forward by local residents and councillors) and finally on 23<sup>rd</sup> July 2015, where the parish council agreed that it would like to change the name of Dunkerton Parish Council to Dunkerton and Tunley Parish Council. It appears that there has been adequate information to the residents of both villages to ensure that the majority are in agreement.

## **5 THE REPORT**

- 5.1 Dunkerton Parish Council, in the District of Bath and North East Somerset, resolved at a meeting on 23 July 2015 that the name of the Parish Council is changed from the former to "Dunkerton and Tunley Parish Council" to reflect the fact that the two villages lie within in the Parish. No other changes to the Parish Council arrangements are proposed.
- 5.2 The Clerk to the Dunkerton Parish Council wrote to the Head of Legal and Democratic Services on 4 August 2015 requesting the name change. A copy of the letter confirming this request and the consultation carried out is attached at Appendix 1 to this Report.
- 5.3 The plan attached at Appendix 2 shows that the village of Tunley is contained within the boundary of Dunkerton Parish Council and so it appears that there would be no risk to boundary issues and governance if the name of the Parish was changed.
- 5.4 A draft Notice is attached at Appendix 3 to this Report

## 6 RATIONALE

6.1 The Parish Council is not able to change its name other than by the statutory process outlined above.

## 7 OTHER OPTIONS CONSIDERED

7.1 None

## 8 CONSULTATION

8.1 No formal consultation has taken place in relation to the amendments to the Scheme as this is not required and the Parish Council has considered this matter on 4 occasions (as set out in Appendix 1).

## 9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

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<b>Background papers</b>	<i>The Local Government Act 1972</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	