

Bath & North East Somerset Council

MEETING	Council
MEETING	12 May 2016
TITLE:	Request by Whitchurch Parish Council to change its name to Whitchurch Village Council
WARD:	Publow and Whitchurch
AN OPEN PUBLIC ITEM/	
List of attachments to this report: Appendix 1 - Letter dated 14 March 2016 from the Clerk to Whitchurch Parish Council Appendix 2 - Plan showing the boundary of the Whitchurch Parish Council area Appendix 3 – Draft Notice	

1 THE ISSUE

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

2 RECOMMENDATION

- 2.1 Note the receipt of the request from Whitchurch Parish Council to change its name
- 2.2 Agree to the making and publication of a Notice under Section 75 of the Local Government Act 1972 to change the name of Whitchurch Parish Council to Whitchurch Village 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 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 wishes to change its name on the basis of a Neighbourhood Survey which was completed during 2015 to which there was a 50% response. 98% of residents were concerned with keeping the status of the Green Belt around the village and preserving its identity. The Parish Council Members considered that its status as a village was not reflected in the name of the Parish Council. In addition it is considered that there have been several instances, by planning departments, where Whitchurch had wrongly been identified as being within Bristol. It appears that there has been adequate information to the residents of the village, by virtue of the Neighbourhood Survey, to ensure that their views have been canvassed so that the majority are in agreement. The Parish Council wish the change of name to take effect on 9 July 2016 when it will be celebrated on that day as part of the village's annual "Have a Field Day" event.
- 4.6 A parish may also change its name, amongst other things, by way of a community governance review ("review") under the Local Government and Public Involvement and Health Act 2007. A parish is required to submit a petition to the principal authority who would carry out such a review. However this process can take up to 12 months to complete. Therefore the name change can more easily be expedited under the 1972 Act.

5 THE REPORT

- 5.1 Whitchurch Parish Council, in the District of Bath and North East Somerset, unanimously resolved at its meeting on 6 January 2016 to change the name of Whitchurch Parish Council to Whitchurch Village Council. No other changes to the Parish Council arrangements are proposed.
- 5.2 The Clerk to the Whitchurch Parish Council wrote to the Head of Legal and Democratic Services on 14 March 2016 requesting the name change. A copy of that letter is attached at Appendix 1 to this Report.

5.3 The plan attached at Appendix 2 to this Report shows the Whitchurch Parish boundary for information purposes.

5.4 A draft Notice is attached at Appendix 3 to this Report.

6 RATIONALE

6.1 Whilst the Parish Council could petition the Council for a change in name under the 2007 Act, the provisions in the 1972 Act would mean that the name could be changed much more quickly and in time to take effect on the desired date of 9 July 2016.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 No consultation has taken place in relation to the change of name as this is not legally required under the 1972 Act but see paragraph 4.5.

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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Background papers	<i>The Local Government Act 1972 The Local Government and Public Involvement in Health Act 2007</i>
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