

BRECKLAND DISTRICT COUNCIL

Report of: Executive Director of Strategy and Governance
To: Council – 6th December 2018
Author: Sue Daniels, Electoral Services Team Leader
Subject: Change of Parish Name
Purpose: To approve a change in name for the Parish of Garvestone

Recommendation(s):

- 1) **Recommend to FULL COUNCIL:**
- 2) Note the receipt of the request from Garvestone Parish Council to change the name of the parish
- 3) That the name of the parish be changed to Garvestone, Reymerston & Thuxton
- 4) That the Council make an order which is effective immediately
- 5) Delegate the making future Section 75 orders to the Executive Director Strategy & Governance

1.0 BACKGROUND

- 1.1 A request has been received from the Parish Council of Garvestone to formalise a change in the name of the parish under the Local Government Act 1972, Part IV, Section 75.
- 1.2 The parish council has, for some time, operated informally under the name of Garvestone, Reymerston and Thuxton although no order had been made formalising these arrangements. Their request reflects the identities and interests of the community whilst making no changes to the governance arrangements for the area.
- 1.3 The statutory authority for a change of name of a parish is set out in the Local Government Act 1972. Section 75 is very brief and silent on the type and level of consultation process that should be adopted.
- 1.4 The Local Government Act 1972 Section 75 of the Local Government Act 1972 states:-
 - (1) 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.
 - (2) Notice of any change of name made under this section -
 - (a) shall be sent by the district council concerned to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General; and
 - (b) shall be published by the district council in the parish and elsewhere in such manner as they consider appropriate.

(3) A change of name made in pursuance of this 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.

2.0 **OPTIONS**

2.1 Do nothing

2.2 Approve the formal change in name for the parish of Garvestone to become Garvestone, Reymerston & Thuxton.

2.3 Approve the making of an order to effect the change of parish name.

2.4 Approve the delegation of powers to the Executive Director Strategy & Governance for the making of Section 75 orders in consultation with the relevant Ward Member(s).

3.0 **REASONS FOR RECOMMENDATION(S)**

3.1 A request to change the name of the parish was received from the Parish Council of Garvestone.

3.2 The making of a Section 75 Order under the Local Government Act 1972, Part IV does not require that a public consultation be carried out. The delegation of powers to the Executive Director Strategy & Governance in consultation with the relevant Ward Member will allow for these matters to be dealt with in a timely manner.

4.0 **EXPECTED BENEFITS**

4.1 A greater sense of community and belonging.

5.0 **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

5.1 **Constitution & Legal**

5.1.2 The Local Government Act 1972, Part IV, Section 75.

6.0 **Financial**

6.1 The making and publication of an order under Section 75 of the Local Government Act 1972 will be in employee time only.

7.0 **Corporate Priorities**

7.1 There are no direct implications that relate to this request but the Council generally supports community development.

8.0 Stakeholders / Consultation / Timescales

8.1 The Ward members have been informed of the request and no representations have been received. The publication of the change of name shall be within the parish and elsewhere in such a manner as appropriate. The order to be effective immediately.

9.0 WARDS/COMMUNITIES AFFECTED

9.1 The District Ward of Mattishall

9.1.2 Parish of Garvestone

Background papers:- Local Government Act 1972 – Section 75

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Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service.