Local Government and Public Involvement in Health Act 2007

2007 CHAPTER 28

PART 4

PARISHES

CHAPTER 3

REORGANISATION

Recommendations of review

87 Constitution of new parish

(1) A community governance review must make recommendations as to what new parish or parishes (if any) should be constituted in the area under review.

(2) A new parish is constituted in any one of the following ways—

(a) by establishing an unparished area as a parish;

(b) by aggregating one or more unparished areas with one or more parished areas;

(c) by aggregating parts of parishes;

(d) by amalgamating two or more parishes;

(e) by separating part of a parish;

but the aggregation of one or more unparished areas with a single parish is not the constitution of a new parish.

(3) For the purposes of subsection (2)—

"parished area" means an area which—

(a) is a parish, or

(b) is part of a parish;

"unparished area" means an area which—

(a) is not a parish, and

(b) is not part of a parish.

(4) The following subsections apply if the review recommends that a new parish should be constituted.

(5) The review must also make recommendations as to the name of the new parish.

(6) The review must also make recommendations as to whether or not the new parish should have a parish council.

(7) The review must also make recommendations as to whether or not the new parish should have one of the alternative styles.

88 Existing parishes under review

(1) A community governance review must make the following recommendations in relation to each of the existing parishes under review (if any).

(2) The review must make one of the following recommendations—

(a) recommendations that the parish should not be abolished and that its area should not be altered;

(b) recommendations that the area of the parish should be altered;

(c) recommendations that the parish should be abolished.

(3) The review must make recommendations as to whether or not the name of the parish should be changed.

(4) The review must make one of the following recommendations—

(a) if the parish does not have a council: recommendations as to whether or not the parish should have a council;

(b) if the parish has a council: recommendations as to whether or not the parish should continue to have a council.

(5) But the review may not make any recommendations for the parish—

(a) to begin to have an alternative style (if it does not already have one), or

(b) to cease to have an alternative style, or to have a different alternative style, (if it already has one).

(6) In this section—

(a) "existing parishes under review" means each of the parishes (if any) which are already in existence in the area under review;

(b) references to the alteration of an area of a parish are references to any alteration which is not the constitution of a new parish (within the meaning of section 87(2)).

89 New council: consequential recommendations

(1) This section applies if, under a relevant provision, a community governance review makes recommendations that a parish should have a parish council.

(2) The review must also make recommendations as to what electoral arrangements should apply to the council.

(3) These are the relevant provisions for the purposes of this section—

(a) section 87 (new parishes);

(b) section 88 (existing parishes)

90 Council retained: consequential recommendations

(1) This section applies if, under a section 88, a community governance review makes recommendations that a parish should continue to have a parish council.

(2) The review must also make recommendations as to what changes (if any) should be made to the electoral arrangements that apply to the council.

91 Grouping or de-grouping parishes

(1) A community governance review may make recommendations as to whether or not grouping or de-grouping provision should be made.

(2) If the review recommends that grouping or de-grouping provision should be made, those recommendations must in particular include recommendations as to what changes (if any) should be made to the electoral arrangements that apply to any council affected by the provision.

(3) The reference to grouping or de-grouping provision is a reference to provision equivalent to the provision of an order under section 11 of the Local Government Act 1972 (c. 70).

92 County, district or London borough: consequential recommendations

(1) This section applies if a community governance review makes recommendations under any other provision of this Chapter.

(2) The review may make recommendations to the Electoral Commission as to what related alteration (if any) should be made to the boundaries of the electoral areas of any affected principal council.

(3) The Electoral Commission may by order give effect to recommendations made under subsection (2).

(4) The Electoral Commission must notify each relevant principal council of whether or not the Commission have given effect to recommendations made under subsection (2).

(5) If the Electoral Commission have given effect to the recommendations, they must also send each relevant principal council two copies of the order under this section.

(6) In this section—

"affected principal council" means any principal council whose area the community governance review relates to (including the council carrying out the review);

"related" means related to the other recommendations made under this Chapter.

"relevant principal council", in relation to recommendations under subsection (2), means—

(a) the principal council that made the recommendations, and

(b) if the recommendations are made by a district council for an area for which there is a county council, the county council.