

TELFORD & WREKIN COUNCIL

LICENSING COMMITTEE – 1 SEPTEMBER 2009

**COMMUNITY GOVERNANCE REVIEW – PARISH OF HADLEY AND
LEEGOMERY**

REPORT OF HEAD OF LEGAL SERVICES

1. PURPOSE

1.1 To consider a letter received from Hadley and Leegomery Parish Council, requesting that a review be held of the warding arrangements in their Hadley and Leegomery parish ward.

2. RECOMMENDATIONS

That a review of the Hadley and Leegomery Parish Ward of the Parish of Hadley and Leegomery is commenced by the preparation for the Committee's consideration of a Terms of Reference document in accordance with the Local Government and Public Involvement in Health Act 2007

3. SUMMARY

3.1 As Members will now be aware, the Local Government and Public Involvement in Health Act 2007 has transferred to this Council powers to conduct reviews of both parish areas and parish electoral arrangements. Hadley and Leegomery Parish Council, being mindful of this change in legislation, has asked the Council to conduct a review of its Hadley and Leegomery Parish Ward. A copy of the letter received from the parish council is attached. This report asks the Committee to commence a review. The first element in a review will require the Electoral Services Manager to prepare a Terms of Reference document for the Committee's consideration at its meeting of the Committee on 21 October 2009.

4. PREVIOUS MINUTES

NIL

5. INFORMATION

5.1 Background

Hadley and Leegomery Parish Council comprises two parish wards for the purposes of elections of councillors to its council: the Apley Castle

Parish Ward with 2,378 electors and four councillors, and the Hadley and Leegomery Parish Ward with 7,143 electors and 12 councillors. The Parish Council's letter lays out its arguments for an alternative warding arrangement, and suggests that the Hadley and Leegomery Parish Ward is presently too large.

The procedure for a review of parish electoral arrangements is laid out in Part 4 of the Act. The Act requires that principal councils should be mindful of any guidance issued by the Department for Communities and Local Government and by the Electoral Commission on how to conduct reviews. That guidance was issued in April 2008.

The Act allows for reviews to be triggered either by the principal council or in response to a petition from local electors. The principal council is not legally required to conduct a review in response to a parish council request, and the Committee could therefore decline the formal request from Hadley and Leegomery Parish Council. However, the request from the Parish Council is comparatively straight forward; it does not affect any neighbouring parishes; the initial arguments are well put, and it is therefore recommended that this Council should undertake a review.

A review would commence with the Committee adopting and publishing a Terms of Reference document, and there would then be a twelve-month period in which the review had to be completed. We believe that this review would run to a fairly short timetable. It would need to focus on two issues: firstly, whether it is desirable for particular areas of the existing parish ward to be separately represented on the parish council, and, secondly, whether the number and distribution of local government electors in the present parish ward make a single election of councillors impracticable or inconvenient. The Terms of Reference document will outline the timetable for the review, and that timetable must allow sufficient time for public consultation with all interested organisations and with the electorate. A suggested timetable would allow for two months for initial submissions to be made; two months for comments on Draft Proposals, and one month for any comments on Final Proposals before the Committee publishes its Recommendations and, if need be, a Reorganisation Order.

5.2 Equal Opportunities

The Act and Guidance require that extensive consultation should be undertaken in a review to ensure that the Recommendations reflect, as far as is possible, the views and desires of the community. The Act also states the two touchstones in a review of parish areas: to ensure that community governance in an area reflects the interests and identities of the community, and to ensure that it is effective and convenient. However, there are no further equal opportunities issues at stake.

5.3 Environmental Impact

There are no such implications.

5.4 Legal Comment

Part 4 of the Local Government and Public Involvement in Health Act 2007 transferred the powers and duties to conduct Community Governance Reviews to principal councils. This came into effect on 13 February 2008. This part of the Act also specifies the main requirements for reviews.

When considering and undertaking such a review the Council must comply with all statutory requirements and must have regard to any guidance issued by the Secretary of State or the Electoral Commission.

Further legal advice will be provided if required.

5.5 Links with Corporate Priorities

The Guidance referred to above emphasises how importantly both the government and the Electoral Commission consider the contribution of parishes and parish councils to community engagement and participation and the generating of a positive impact on community cohesion. This links very clearly with our Community Priority 4: the creation of safe, strong and cohesive communities.

5.6 Opportunities and Risks

The opportunities and risks associated with this decision/option/project have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified

5.7 Financial Implications

The only costs expected as a result of conducting this review relate mainly to advertising and copying, these are not expected to be significant and will be absorbed from within existing budgets within Electoral Services.

6. WARD IMPLICATIONS

Hadley and Leegomery Borough Ward

The Hadley and Leegomery Parish Ward of the Parish of Hadley and Leegomery is co-terminous with the Hadley and Leegomery Ward of the Borough Council. However, the partition of the present parish ward

into two or three smaller parish wards would not affect the present Borough ward. Many of our borough wards comprise groupings of a number of parish wards.

7. BACKGROUND PAPERS

Letter received from Hadley and Leegomery Parish Council, dated 4th June 2009, and now attached

Local Government and Public Involvement in Health Act 2007 (Part 4)

Guidance on community governance reviews (The Department for Communities and Local Government and the Electoral Commission, April 2008)

Telford and Wrekin Council – Electoral Services – Reviews of Parishes and Related Matters – Local Government and Public Involvement in Health Act 2007 – An office guide to new legislation and practice

Telford And Wrekin Council – Electoral Services – Reviews of Parishes and Related Matters – Local Government And Public Involvement In Health Act 2007 – Model Terms Of Reference

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