

TELFORD & WREKIN COUNCIL

LICENSING COMMITTEE – 14 OCTOBER 2009

**COMMUNITY GOVERNANCE REVIEW – PARISHES OF GREAT DAWLEY
AND LILLESHALL AND DONNINGTON – AGREEMENT OF DRAFT
PROPOSALS DOCUMENT**

REPORT OF HEAD OF LEGAL SERVICES

1. PURPOSE

- 1.1 To seek Members comments on a draft Draft Proposals document for the conduct of this Review. The document incorporates the draft recommendations that the Council now makes in this review, following the first consultation period when initial submissions were invited.

2. RECOMMENDATIONS

That the Committee adopts and publishes the Draft Proposals.

3. SUMMARY

- 3.1 Two Community Governance Petitions have been received by the Council calling for the creation of separate parishes for the Dawley parish ward of the parish of Great Dawley and for the Lilleshall parish ward of the parish of Lilleshall and Donnington. The Council published a Terms of Reference document on 22 April 2009 and invited initial submissions from electors and other interested bodies. These submissions have been considered alongside the relevant legislation and the policies that the Council laid down in the Terms of Reference. Together, they have informed the Draft Proposals, which the Committee is asked to adopt and publish and which lead to the next and more substantive stage of consultation in this Review.

4. PREVIOUS MINUTES

Licensing Committee, 21 April 2009, Minute LC-72

5. INFORMATION

5.1 Background

In the conduct of a Review, the Council has to be mindful of Part 4 of the Local Government and Public Involvement in Health Act 2007, the Guidance on Community Governance Reviews that has been issued by the Department for Communities and Local Government and The Electoral Commission and the Council's Terms of Reference. The legislation places great emphasis on consultation in a Review, and the Terms of Reference laid out how the Council proposed to consult the electors and other interested organisations and the consultation periods that would be allowed in the Review.

The publication of Draft Proposals is a significant stage in this Review; the Council has given due consideration to the petitions that were received and it has carefully considered the various submissions that have been received to date. It has weighed these against its legal duty in section 93 of the Local Government and Public Involvement in Health Act 2007 to ensure that community governance within the Borough reflects the identities and interests of the community; is effective and convenient and takes into account any other arrangements for community representation and engagement in the area.

With regard to the Parish of Great Dawley, the Draft Proposals are that there should be no changes in the present community governance arrangements in the parish because:

- the submissions received in this Review have given no clear evidence that there are distinctive communities of identity in Dawley and Malinslee that would justify separate parish governance;
- the review has identified an interdependence between Malinslee and Dawley, underlined by Dawley's role as an area centre, used by the residents of Malinslee, and by the absence of an adequate infrastructure in Malinslee to support a separate community of identity;
- the warding arrangement that exists in the present parish of Great Dawley is appropriate for this parish with its overall community of identity but that also comprises different parts;
- there are no pressing reasons for altering the present warding and electoral arrangements;
- any change would not be in the interests of effective and convenient local government for the electors of the area and would fail to meet the 'viability test';

- since the Terms of Reference were published in this review, only a small number of views have come forward from the electors of the parish or from community organisations within it to lead to any different proposals being made.
- With regard to the Parish of Lilleshall and Donnington, the Draft Proposals are that there should be no changes in the present community governance arrangements in the parish because:
 - there is an absence of community consensus that there is a distinct community of identity in the Lilleshall ward and there is an absence of submissions from the Donnington and Muxton wards; taken together this argues strongly against any change to the current arrangements;
 - the warding arrangement that exists in the present parish of Lilleshall and Donnington is appropriate for this parish because it will allow the different parts of the parish to continue to be separately represented on the parish council;
 - there are no pressing reasons for altering the present warding and electoral arrangements;
 - any change would not provide any substantial benefits in terms of the effective and convenient local government for the electors of the area.

5.2 What happens next?

Publication of this Draft Proposals document formally launches a three-month period lasting until 15 January 2010 in which comments and submissions are invited. We will then use the comments and submissions that are received together with the policies outlined in the Terms of Reference and the legislative framework to help us draw up Final Proposals for the future of community governance in the affected areas.

5.3 Equal Opportunities

There are no immediate equal opportunities implications in this Review.

5.4 Environmental Impact

There are no such implications.

5.5 Legal Comment

On 25th September 2008 Council delegated authority to deal with all matters relating to Community Governance Reviews to the Licensing Committee.

There are no direct legal implications arising from this report at this stage. Further legal advice will be given as and when necessary during the consultation and order making process.

5.6 Links with Corporate Priorities

Our Community Priority 4 is the creation of safe, strong and cohesive communities. The Terms of Reference document does address these issues and includes them among considerations that the Council will address in the Review. Due consideration of these issues has been given in the Draft Proposals.

5.7 Opportunities and Risks

The opportunities and risks associated with any legislative change following on from this consultation have been identified and assessed. Arrangements would be put in place to manage the risks and maximise the opportunities that have been identified if community governance in the affected areas was to change.

5.8 Financial Implications

Some postage and printing costs associated with the distribution of review documentation are foreseen. There will also be staff costs involved in dealing with submissions, preparing the Final Proposals and attending meetings. However, these costs will be met from within existing resources.

6. WARD IMPLICATIONS

Church Aston and Lilleshall, Dawley Magna, Donnington, Malinslee and Muxton Borough Wards

7. BACKGROUND PAPERS

Local Government and Public Involvement in Health Act 2007

Guidance on Community Governance Reviews (Department for Communities and Local Government and The Electoral Commission, April 2008)

Community Governance Reviews And Related Matters – Local Government And Public Involvement In Health Act 2007 – A Guide To New Legislation And Practice (Electoral Services Section, Telford and Wrekin Council, last updated November 2008)

Terms of Reference Document (22 April 2009)

Submissions received during the consultation period and listed in Annexes 1 of each Draft Proposals document (A copy of all submissions received will be available on deposit for public consultation.)

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