



Telford & Wrekin

C O U N C I L

**COMMUNITY GOVERNANCE REVIEW
PARISH OF GREAT DAWLEY**

**LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN
HEALTH ACT 2007**

DRAFT PROPOSALS

**THESE DRAFT PROPOSALS HAVE BEEN PUBLISHED BY THE COUNCIL
ON:**

15 OCTOBER 2009.

**SUBMISSIONS AND COMMENTS ON THIS DRAFT PROPOSALS
DOCUMENT SHOULD BE MADE BY:**

15 JANUARY 2010

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1. Introduction

1.1 Telford and Wrekin Council has received a Community Governance Petition, signed by 567 local government electors of the Dawley Ward of the Parish of Great Dawley, calling for a separate parish to be formed for their ward. In accordance with Section 83 of the Local Government and Public Involvement in Health Act 2007 and the Guidance on Community Governance Reviews issued in accordance with section 100(4) of the Act by the government Department for Communities and Local Government and the Electoral Commission, the Council has been required by law to conduct a Community Governance Review.

1.2 This Review commenced on 22 April 2009, when the Licensing Committee of the Council published a Terms of Reference document and invited initial submissions from individuals or organisations who had an interest in the Review. In the Terms of Reference, the Council published a timetable for the Review and it published a consultation strategy.¹ The period for initial submissions closed on 22 June. The Council now publishes these Draft Proposals in response to the Community Governance Petition.

1.3 It will be seen that The Draft Proposals are that there should be no change in the present community governance arrangements in the Parish of Great Dawley. Reasons have been given to support the Draft Proposals. A summary of these reasons can be found in part 6 of this document.

1.4 In preparing these Draft Proposals, the Council has been mindful of the request of the petitioners and the initial submissions that have been received. However, the Council also has the role of balancing these requests and submissions against the wider requirements and duties that are placed upon it in the 2007 Act. In particular, the Council has a duty to ensure that community governance within its area:

¹ Terms of Reference, Tables 2.1-2.2

- reflects the identities and interests of the community in that area;
- is effective and convenient, and
- takes into account any other, non-parish, arrangements for the purposes of community representation or community engagement in the area.²

1.5 Annex 1 of this document includes details of the submissions that have been received since the publication of the Terms of Reference. Four submissions have been received; two of these are from inhabitants of the parish. One of these local submissions is concerned with procedural matters that have affected Great Dawley Parish Council. There is one local submission, from Gary and Linda Hodson, which gives consideration to the Review issues that were outlined in the Terms of Reference.

1.6 Owing to procedural difficulties, Great Dawley Parish Council requested an extension of time for their deliberation of this matter and this was granted. The parish council met on 29 July and considered the Terms of Reference document at that meeting. The parish council was not able to conclude whether there were two distinctive communities of identity within its parish, and it resolved that it could not demonstrate that there was an adequate community infrastructure within each of the existing wards to support separate parish governance. Furthermore, the parish council concluded that it was its view that current parish council tax levels would not be sufficient to maintain the present levels of service provision in two separate parishes.

1.7 On 30 July twelve further submissions were received in support of separate parishes for Dawley and Malinslee. These submissions are listed in Annex 1. However, as they were received five weeks after the closing date for initial submissions, they have not been considered in the preparation of these Draft Proposals.

² Section 93(4-5) of the 2007 Act

2. The Parish of Great Dawley

2.1 In Parts 3-5 of the Terms of Reference and the accompanying annexes, considerable information is provided about the existing Parish of Great Dawley. (The full Terms of Reference document is available either in hard copy or on the website at the contact details provided in Section 8 below.)

2.2 The present parish of Great Dawley comprises two wards: the Dawley ward with 4,124 electors and seven councillors and the Malinslee ward with 4,343 electors and seven councillors. The Dawley ward comprises the historic area centre of Dawley together with closely connected residential development at Heath Hill to the north and along Finger Road and Southall Road to the south. The Malinslee ward comprises newer residential development lying between Telford Town Centre and Dawley with estate roads leading to Dawley Bank Roundabout and Malinslee Roundabout.

2.3 The Terms of Reference document laid out the main considerations that the Council would need to be mindful of in coming to recommendations in this Review arise in Section 93 of the 2007 Act as outlined in paragraph 1.4 above. Three ‘tests’ were identified which would need to be applied in the Review.³ The first is what is described as the ‘community of identity’ test: do the areas that constitute the present parish wards of Dawley and Malinslee represent distinctive communities of identity, deserving of separate parish status and individual parish representation? However, it was emphasised that this test cannot be considered in isolation from a second test: the effective and convenient local government test. To a considerable extent, this test may be thought of as a ‘viability’ test: do these parish wards have the viability to stand alone, not dependent one on the other, in the funding and provision of services that would compare with current service levels? However, viability is only a part – albeit a considerable part – of the effective and convenient local government test. The Council considers that it has a broad duty in law to promote effective and convenient local government across its Borough.

³ Section 93(4-5) of the 2007 Act

Finally, the Council is required to take into account other organisations in the area that promote representation and engagement for its inhabitants and that thereby serve to reinforce the community of identity test.

2.4 In the Terms of Reference document, it was emphasised that the review should not consider the future of the Dawley ward in isolation from the future of what was termed the 'residual parish': the Malinslee ward.⁴ It is the Council's duty to promote effective and convenient local government across the whole of the Borough. The area under review was defined as broadly comprising the existing parish of Great Dawley together with some closely adjoining areas that share a strong sense of community identity with any new parishes that might be formed. In effect, the 2007 Act places a duty on the Council to apply the community of identity and viability tests throughout the proposals to the whole area under Review.

3. The Community of Identity test

3.1 The Terms of Reference document emphasised that parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity. It should be noted that Great Dawley Parish Council has not been able to come to a conclusion as to whether the two wards of their parish comprise separate communities of identity, and likewise the council felt that it could not demonstrate that there is an adequate community infrastructure contained within both of the wards to support separate community governance. Dawley is proud to be an area centre for a wide area in central Telford, and the proximity of much of Malinslee to that area centre together with Malinslee's lack of its own defined focal point argue against the splitting of the parish.

3.2 It has been noted that the submission of the Telford Conservatives that "if Malinslee were to have its own parish council it would help to give the residents a better sense of 'belonging' and would no doubt bring in councillors

⁴ Terms of Reference, para.1.7

who would have more time to develop ideas and improvements in the ward”. However, no evidence has been submitted that shows Malinslee has an adequate infrastructure to support that community of identity which in turn would justify separate parish governance. It should be noted that there are a number of schools scattered across this ward together with one place of worship; there are two health care service points, and a couple of shops. The community centre has recently closed, although the new Old Park School has a community room that is publicly available. The Malinslee ward extends to Telford town centre, with Malinsgate, Coach Central and Saint Quentin Gate forming the ward’s northern boundary. The Telford Town Centre facilities that lie within the ward include Civic Offices, the Library, Meeting Point House and the International Conference Centre. However, it seems highly unlikely that the residents of Malinslee would see these facilities as community facilities that exist for their usage as a focus for their community.

3.3 The Terms of Reference document emphasised that the Council would not lightly make a recommendation to cut off one area from another area on which it has a traditional and long-standing dependence.⁵ The government has emphasised in its Guidance that the interests of community cohesion should be taken into account in a Review.⁶ Furthermore, one of the Council’s Community Objectives is for a community that is strong, cohesive and socially inclusive. After applying the principles of the government guidance and the Council’s Community Objectives, there does not appear to be any evidence that splitting the Parish of Great Dawley would be in the overall interests of the people of the whole of the area affected by the Review. This leads to a conclusion that splitting the Parish is not in the overall interests of effective and convenient local government.

3.4 The focal point for Malinslee is the nearby area centre at Dawley. Most of the south-western part of the Malinslee ward is in very close proximity to the centre of Dawley; indeed, the Malinslee ward extends to the eastern end of the High Street at Dawley. Mr and Mrs Hodson, in their submissions (which

⁵ Terms of Reference, para.6.8

⁶ Guidance, paras.66-75

broadly argue in favour of a separate parish for Malinslee), acknowledge that in many streets and areas of Malinslee “residents may or may not identify with Dawley more than they do with Malinslee”. There appears to be a blurring in any sense of identity between the two existing wards and this also tends to argue against the splitting of the parish. Dawley retains a good range of high street shops, public houses and eating places; it has public meeting rooms at Dawley House and at Dawley Christian Centre; there is a public library, and a wide range of schools.

3.5 In summary, there has been insufficient evidence from the submissions received that both Dawley and Malinslee represent distinctive communities of identity. Dawley’s role as an area centre, used by the residents of Malinslee, and the lack of infrastructure in Malinslee suggests that there has to be interdependence between the two areas. That said, it should be acknowledged that there are different communities of interest in Dawley and Malinslee. Overall, these communities of interest can be most effectively served by continuing the present warding arrangement, which allows the different parts of the parish to be separately represented on the parish council.

4. The present warding arrangement

4.1 The warding arrangement that currently exists in this parish is a very important consideration in this Review because it provides an alternative to splitting the parish. The 2007 Act states that the warding of parishes is appropriate where it is felt that particular areas of a parish should be separately represented on a parish council or where the number or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient. The Terms of Reference document found that the warding arrangement of the parish of Great Dawley adequately meets these two legal tests.⁷ A warding

⁷ Section 95(3) of the 2007 Act; Terms of Reference, para.8.10

arrangement is appropriate where there is one parish with an overall community of identity but that also comprises different parts.

4.2 Consideration has been given to whether there should be a redrawing of the boundary between the two parish wards of Dawley and Malinslee. However, no submissions have been received that would lead us to propose this. Boundary issues were considered in the Terms of Reference document, where it was emphasised that proposals for boundary changes in parish areas should arise within an affected area, from strongly held views, locally expressed by the residents of an affected area.⁸ Furthermore, consideration should be given to the relationship between the parish ward boundaries and the boundaries of the Borough wards.⁹ The parish wards have been used as the building blocks for the Borough wards across much of the Borough, and the Borough wards therefore share the same boundaries with the parish wards. The maintenance of this co-terminosity is in the best interests of effective and convenient local government for the residents in the Dawley, Heath Hill and Langleyfield areas: for those residents to be in one parish ward but in a different borough ward could result in confusion. Finally, Maps 2-3 in the Terms of Reference document have been examined. The present ward boundary, while it may not be entirely ideal, is easily identifiable, clearly understood and represents the most appropriate recognition of local attachments within a parish that comprises different parts.

4.3 Next, consideration must be given to whether the numbers of councillors elected to the parish council by each ward continues to be appropriate. Section 95 of the 2007 Act requires us to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the Review starts. In Table 3.2 of the Terms of Reference document, electorate projections were presented for the period 2009/10 – 2013/14. There was a strong caveat to these projections when it was stated that in the current financial and housing market conditions it was

⁸ Terms of Reference, para.6.16

⁹ The borough's electoral arrangements and the borough wards are the responsibility of the Boundary Committee for England and the Electoral Commission.

difficult to give a realistic assessment of the actual numbers of new dwellings that would be completed to occupation. Even so, if these projections were realised, there would be the following impact for levels of representation between the two wards.

Table 1 – Projected electorates and councillor entitlements for Great Dawley Parish Council

	<i>Electorate 2 March 2009</i>	<i>Resulting Councillor Entitlement</i>	<i>Projected Electorate 2013/14</i>	<i>Resulting Councillor Entitlement</i>
Dawley Ward	4124	6.82	4408	6.65
Malinslee Ward	4343	7.18	4873	7.35
		14		14

Although there will be a continuing shift of councillor entitlement in favour of the Malinslee ward, this is not sufficient to recommend any change in the allocation of councillors between the two wards at this time.

5. Effective and Convenient Local Government

5.1 If Malinslee has a dependence on Dawley as its area centre, in turn Dawley has a dependence on Malinslee to help to provide viability for the parish council in the provision of services for all the residents of Great Dawley. This leads on to consideration of the viability of two separate parish councils.

5.2 Officers have calculated that a separate Dawley parish council would be required to raise its precept by at least 24 per cent to maintain the present level of services, with its Band D equivalent council tax being raised to at least £92.43 from the present £74.54. An alternative for a separate Dawley parish council would, of course, be to make an equivalent cut of at least £32,000 in its service level provision. Neither approach would appear to be in the interests of effective and convenient local government for the residents of the whole area served by the present Great Dawley Parish Council.

5.3 The parish council provided its budget for 2009-10, which is presented in Annex 5 of the Terms of Reference document. That budget showed an overall proposed spend of £256,576.86, with £6,250 being raised from income and £14,500 being drawn from general reserves, leaving £235,826 to be raised as the parish council's precept. In turn, a careful exercise was undertaken in Tables 6.2 and 6.3 and the accompanying annexes of the Terms of Reference document to disaggregate the council tax base and the parish precept between the two wards of the present parish of Great Dawley. The parish council's precept for 2009-10 is £235,826. It was found that the council tax base for 2009-10 would raise £120,901 for the present Dawley ward and £114,925 for the present Malinslee ward to fund this precept.

5.4 Great Dawley Parish Council has now instructed its Clerk to attempt to disaggregate its budget to show its expenditure as it relates to each of its two wards. The Council has now met and confirmed the disaggregation exercise, and the outcome of this is shown in Annex 2. Officers have also met the Clerk to the Parish Council to further consider this disaggregation. It is important to note the difficulties of undertaking an exercise of this sort, but officers consider that the Clerk's findings go some considerable way towards giving a balanced and realistic assessment of the situation that would confront two separate parish councils. His overall findings are presented in table 2.

Table 2 – Disaggregation of the budget of Great Dawley Parish Council

	<i>Great Dawley Parish Council</i>	<i>Disaggregated to the Dawley Ward</i>	<i>Disaggregated to the Malinslee Ward</i>
Disaggregated Costs	256,576.86	164,512.53	92,064.33
Income	6,250.00	4,725.00	1,525.00
Use of General Reserves	14,500.00	7,250.00	7,250.00
Costs to deliver services less income and use of reserves	235,826.86	152,537.53	83,289.33

Disaggregated precept		120,900.92	114,925.08
Difference (Shortfall / Surplus)		- 31,636.62	+ 31,635.75

5.5 There are two important caveats in consideration of this disaggregated budget. Many of the services that would still be provided by a separate Dawley parish council would continue to be of wider benefit to inhabitants of the wider area. These are difficult to isolate because of Dawley's role as an area centre, but they are likely to include such diverse services as the annual Dawley Day, the maintenance of the Webb Memorial, the maintenance of Dawley House, the Christmas lights, the area centre's bus shelters and public conveniences: indeed, all those services that contribute to the well-being and amenity of the community, and there is a strong likelihood that, next to the residents of Dawley, that wider benefit would extend to very many of the residents of Malinslee. The parish council's own minuted conclusion is "that Great Dawley Parish Council does not consider that current parish council tax levels would be sufficient to maintain the present levels of service provision in separate parishes".¹⁰

5.6 The second caveat follows. It must be considered that, in a number of areas of its budget, the present Great Dawley Parish Council commands economies of scale in the services that it provides. These serve to mask the real shortfall that a separate Dawley parish council would find in its budget and they would limit the real surplus that a separate Malinslee parish council would find in its budget. Some of the areas that currently command economies of scale in the budget of Great Dawley Parish Council would include councillor expenses, office administration and staff on-costs, subscriptions, training, room hire and newsletters. This would lead to a further shortfall in the budget for a separate Dawley parish council of about £12,000 and a commensurate cut in the surplus of a budget for a separate Malinslee parish council of a similar sum of about £12,000, arising from these

¹⁰ Minute 26/33, meeting of 29 July 2009

lost economies of scale. This assessment does not include any further future expenditure that a separate Malinslee parish council might wish to incur in due course to promote a community of identity within its area. For example, a separate Malinslee parish council might wish to address the shortage of a community meeting hall within its area. Overall, the precepts for separate parish councils are therefore likely to be even higher in the fullness of time, unless corresponding reductions in services are made.

5.7 Returning to paragraph 5.2 above, emphasis must be given to the words *at least* in the introductory sentences; accommodating the lost economies of scale would mean that the shortfall in the budget of a separate Dawley parish council is likely to be nearer to 33 per cent, requiring either a cut of about £44,000 in its service level provision or a rise in its Band D equivalent council tax from the present £74.54 to about £99.14. Likewise, any surplus in the budget of a separate Malinslee parish council is likely to be some £20,000 at best, which would allow for a reduction of up to 16 per cent in its Band D equivalent council tax from the present £74.54 to about £62.61.

5.8 There may well be a feeling, summarised by Mr and Mrs Hodson in their submission, that “Malinslee has always subsidised Dawley” or that “Malinslee has been overshadowed by Dawley”. Such a view is commonly encountered in warded parishes; it often overlooks the usage that residents of a whole parish make of services provided in the area centre; it sometimes forgets the services that are provided across the whole parish, and it overlooks the role of the parish council – elected in separate ward elections – to represent and act as the democratically accountable voice of the whole parish. Finally, it can tend to overlook the role of a parish council as being in the best interests of effective and convenient local government for all the residents of a wider area.

5.9 This evidence leads to a conclusion that the formation of two separate parish councils would fail to meet the viability test and would not be in the interests of effective and convenient local government for the electors of the whole area served by the present Great Dawley Parish Council. The residents of a Dawley parish would be confronted by an unacceptable

increase in their council tax, and a Dawley parish council would face the most difficult of decisions in reducing and cutting its level of services. The parish would continue to provide residual services that would be enjoyed by the residents of nearby Malinslee, and this could lead to resentment and a possible detrimental effect on community cohesion within the area. The savings to the residents of Malinslee would not be as considerable as might initially be thought, and would be disproportionate to the penalties that would fall on the residents of Dawley.

6. Summary of Draft Proposals

6.1 The Draft Proposals are that there should be no changes in the present community governance arrangements in the parish of Great Dawley 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.

7. What happens next?

7.1 The timetable for this Review is as follows:

Table 3 – Timetable for the Review

Action	Timetable	Relevant Date
Terms of Reference are published		April 21
Introductory stage – submissions are invited	Two months	April 22 – June 22
Draft Proposals are prepared	Two months	June 22 – August 21
Draft Proposals are published		October 15
Consultations	Three months	October 15 – January 15 2010
Final Proposals are prepared	Six Weeks	March 1
Final Proposals are published		March 15
Licensing Committee publishes the Recommendations	Two weeks later	March 31 2010
Council publishes the Reorganisation Order	thereafter	

7.2 A period for comments on the Draft Proposals has now opened, and this lasts until 15 January 2010.

8. How to contact us

8.1 Comments should be submitted to the Electoral Services Section of the Council's Democratic Services Business Unit. They can be submitted either by letter or by e-mail.

8.2 You can contact us at:

Electoral Services
Telford and Wrekin Council
Malinslee House
Telford
TF3 4LD

01952 383202

reviews@telford.gov.uk

8.3 Details of officer contacts are as follows:

Jonathan Eatough Head of Legal	Strategic management of the Review	
Phil Griffiths Democratic Services Manager	Project and resource management of the Review	phil.griffiths@telford.gov.uk 01952 383210
Melvin Humphreys Electoral Services Manager	Responding to consultation responses and preparing key consultation documents	melvin.humphreys@telford.gov.uk 01952 383202
Andrew Roberts Committee Clerk	Preparation of Committee Agendas and public access to Committee reports	andrew.roberts@telford.gov.uk 01952 383212

9. A List of Annexes

Annex 1 – Submissions received in this Review, including a list of submissions received in the Electoral Services office on 30 July 2009 and not considered in the preparation of this Draft Proposals document

Annex 2 – Great Dawley Parish Council – a disaggregation of the budget for the parish council between the Dawley and Malinslee wards

Annex 1

Submissions received in this Review

Petition signed by 567 local government electors of the Dawley ward of the Parish of Great Dawley, 10 November 2008

Telford Conservative Association, by letter, 15 June 2009

Carol M. Williams, by e-mail, 22 June 2009

Gary and Linda Hodson, by e-mail and attachment, 22 June 2009

Great Dawley Parish Council, by e-mail and copy of council minutes of 29 July 2009

A list of submissions received in the Electoral Services office on 30 July 2009 and not considered in the preparation of this Draft Proposals document

Ceri Crabbe

M.M. Griffiths

S.J. Holmes

J. Hoofe

C. James

J.H. Johnson

Mr & Mrs D. Lloyd

Barbara Preece

Mrs R. Tonks

J.M. Townsend

John Whittaker

Mrs J. Williams