

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Wednesday, 14th October 2009 at 6.00 pm in the Reception Suite, Civic Offices, Telford

PRESENT: V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), R.G.Chaplin, J.A.Francis, Y.C.Hicks, T.J.Hope, G.P.Hossell, T.Kiernan, H.Rhodes and C.F.Smith.

OTHER MEMBERS PRESENT: N.A.Dugmore (Muxton Ward), A.J.Eade (Church Aston & Lilleshall), V.Tonks and H.Williams (Dawley Magna).

LC-58 APOLOGIES FOR ABSENCE

Councillors R.E.Groom, A.A.Mackenzie, C.N.Mason, K.L.Tomlinson and A.G.P.Williams.

N.B. Councillors C.N.Mason and A.G.P.Williams although having submitted apologies for the meeting were not present as they had previously declared prejudicial interests in the substantive agenda item.

LC-59 DECLARATIONS OF INTEREST

Councillors V.A.Fletcher, E.J.Greenaway, J.A.Francis, T.J.Hope, G.P.Hossell declared their respective personal interests as Members of the Telford Conservative Association who had submitted a consultation response although none of the named Members had been aware of or taken part in the formulation of the response.

LC-60 COMMUNITY GOVERNANCE REVIEW – PARISHES OF GREAT DAWLEY AND LILLESBALL & DONNINGTON – AGREEMENT OF DRAFT PROPOSALS DOCUMENT

Prior to the consideration of this particular agenda item the Chairman of the Committee outlined to Members that the Committee were only required at this stage to consider the draft proposals document for the respective parishes. Once approved the draft proposals would be subjected to a further consultation period and that further responses could well be received; this meeting was not therefore an occasion requiring detailed debate of the recommended proposals. This position was confirmed by the Council's solicitor.

Members were also informed by the Chairman that she had received a request to speak from Councillor H Williams the ward member for Dawley Magna and that following consideration of the request she had accordingly approved the request.

Councillor Williams made reference to the Draft Proposal Document for Great Dawley PC. She referred members to paragraph 1.6 of the draft document which made reference to a public meeting of Great Dawley PC which had been held which was inquorate and that following consideration by the Council's Monitoring Officer it was agreed that an extension of time could be granted to Great Dawley PC until 29th July 2009 – and that this extension would only apply to the Parish Council in order

for them to respond. The Committee were advised that press coverage within the Shropshire Star and local radio publicised the extension and as a result local ward members believed that local residents would also benefit from the extension and therefore proceeded to encourage local people to submit their views.

The Committee were further referred to paragraph 1.7 of the Draft Proposals document which made reference to the 12 letters that had been presented to the Electoral Services Manager by Councillor V Tonks which included local resident's submissions to the review. She pointed out that reference to these letters had been included within the Draft Proposals Document but it was confirmed that they had not been considered during the preparation of the proposals document and that they should have been as they had been delivered at the meeting held on 29th July at the time that the belief existed that the agreed extension was in existence.

Councillor Williams also referred the Committee to an email sent by a local resident on the 22nd June 2009 which detailed a number of organisations etc that had not been included on the original document in which it was requested that the named organisations should be consulted. The Committee were informed that no consultation had been sought from these particular organisations at this stage.

In conclusion she stated that as a result of these omissions she requested that the draft proposals document should be re-written to take account of the 12 letters that had been presented on the 29th July and also following the additional consultation of the organisations that had been listed in the email dated 22nd June which might result in a differing conclusion being stated within the draft proposals document.

By way of response the Electoral Services Manager advised members that the Terms of Reference document was quite clear in connection with the deadline for the receipt of consultation responses. In connection with the press cutting from the Shropshire Star he stated that the details within the article were not based on an official press release from Telford & Wrekin Council and that no additional consultees' responses were received following the publication of this article.

In connection with the letters handed to him on the 29th July, he stated that these had not been received within the original consultation period but that the names and addresses had been added to a database of consultees who would receive details to enable them to respond within the next stage of consultation. Likewise, the organisations that were mentioned in the email dated 22nd June 2009 would also be added to this database in order to be included within the next consultation stage. In relation to any proposal to redraft the Draft Proposals document it was pointed out to the Committee that this might result in a legal challenge particularly if the Council proceeded to amend the Draft Proposals document without appropriate evidence that had been received within the consultation period.

The Committee received the report of the Head of Legal Services on the Draft Proposals documents for the conduct of the Community Governance Reviews that were currently being undertaken in relation to the Parishes of Great Dawley and Lilleshall & Donnington. The Draft Proposals documents incorporated the initial proposals of the Council, drawn up following the completion of the first consultation period during which initial submissions had been invited.

Members were reminded that two Community Governance Petitions had 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 had been considered alongside the relevant legislation and the policies that the Council had laid down in its Terms of Reference for this review. Together, they had informed the Draft Proposals, which the Committee was now requested to adopt and publish leading to the next and more substantive stage of consultation in this Review.

In the conduct of a Review, the Council had to be mindful of Part 4 of the Local Government and Public Involvement in Health Act 2007, the Guidance on Community Governance Reviews that had been issued by the Department for Communities and Local Government and The Electoral Commission and the Council's Terms of Reference. The legislation placed great emphasis on consultation in a Review, and the Terms of Reference had 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 Committee was informed that the publication of the Draft Proposals was a significant stage in this Review; the Council had given due consideration to the petitions that were received and it had carefully considered the various submissions that had been received to date. It had 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 reflected the identities and interests of the community; was effective and convenient and took into account any other arrangements for community representation and engagement in the area.

With regard to the Parishes of Great Dawley and Lilleshall & Donnington, the proposed Draft Proposals were that there should be no changes in the present community governance arrangements. Members were referred to the conclusions as detailed within the report. Members were also informed that the publication of the Draft Proposals document would formally launch a three-month period in which comments and submissions were invited. It was reported that the Council would then use any comments and submissions that were received together with the policies outlined in the Terms of Reference document and the legislative framework to assist in the preparation and publication of the Final Proposals document which would outline the future of community governance in the affected areas.

The Committee proceeded to discuss each Review area in turn. For the purposes of clarity the minutes are split to take account of the discussions that were undertaken in respect to the two separate Community Governance Reviews. Any responses are indicated within the following brackets.

Great Dawley

Councillor Greenaway enquired whether other information was taken into account when drafting the required documentation or whether it was based solely on the evidence supplied. Councillor Fletcher also indicated that the infrastructure already

existed that would support the principle of community identity particularly for Malinslee with reference being made to the DWP, Civic Offices, etc. She also in particular mentioned Malinslee Church which had only been mentioned as a place of worship but was identified as a focal point of the community. (By way of response the Committee were advised that the documentation was purely based on the evidence that had been received during the consultation period. In connection with the point raised about the facilities at Civic Offices and other possible community facilities, etc. no evidence had been received by the Council that would provide support to the proposition that members of the community strongly identified that these facilities as community facilities associated with Malinslee.)

Councillor Fletcher asked whether the general public knew what was required of them in order for them to respond to the consultation and stated further that this fact might justify a question as to the adequacy or level of the response. She stated further that there was a requirement to ensure that the Council fully explained the process. (The Democratic Services Officer responded by stating that he could not comment for the local residents but had indicated that few responses had actually been received within the initial consultation period. By way of communication within Great Dawley, the Council had done everything it could to ensure that local residents were aware of the ongoing review. It was also stated that even following the Shropshire Star article there was no contact made with the Borough Council.)

Councillor Fletcher commented that the Council appeared to be not taking into account the views of the public and in particular made reference to the 567 local residents who had signed the petition. She also enquired as to whether these people had been written to by the Council. (Members were informed by the Electoral Services Manager that the legal position in connection with the petition was that it was only the trigger to initiate the review and that in connection with writing to the 567 individuals this was not undertaken as there was no legal requirement to do so. The Council had met its legal requirements in the publication of the Terms of Reference.)

Councillor Hope stated that she felt that the engagement of the public had not been completed and enquired as to how this could be achieved. (The Electoral Services Manager confirmed that democratic participation of which this was an element was a current national problem. He confirmed that the Council would endeavour to write to all of the individuals and groups that were listed within the Terms of Reference document together with all individuals and groups that had been notified to the Council since that Terms of Reference document had been published. There were, however, some constraints. The legislation required the Review to be completed within twelve months; the cost of the consultation exercise had to be commensurate, and in several instances the Council was not in possession of a contact name or address for a suggested organisation.)

Councillor Smith questioned the length of time that was available for the next stage of the consultation process, inquiring as to whether this could be extended by two weeks to take account of the Christmas Festive period. Members were informed that this could be incorporated within the timetable and could be accommodated. The Committee discussed this particular aspect and agreed that the date extension should be recorded within the documentation.

Councillor Greenaway expressed the view that the summary of reasons for the Council's Draft Proposals contained towards the conclusion of the document should be made more open ended to reflect the fact that the document was a consultation document, which would be the subject of three months of public consultation during which important new evidence and views might come forward. Following a discussion by the Committee it was agreed that this revision should be reflected within the Draft Proposals document

Councillor Rhodes advised that she had felt that officers had fully met their obligations within the legislation and should be commended for the work that had been undertaken to date.

Lilleshall & Donnington

Councillor Francis commented that she felt that Lilleshall and Donnington were very different to each other and sought further clarification of the local ward member's view that consideration should also be given to the splitting of Muxton from the current arrangements. (The Democratic Services Manager advised that this had been included. However the Council had received three responses from the Muxton area with regard to the forming of a separate parish in that area, two of these responses favoured a separate parish for Muxton.)

Councillor Greenaway commented on the urban – rural split of the parish and queried the listing in Annex 6 of the Terms of Reference of Lilleshall and Donnington as an urban parish. She considered that taken individually there was a difference in the nature of the two parish wards. She also commented about the lack of police liaison received by the Parish Council with Donnington and Muxton falling under the Donnington Division and Lilleshall being linked to the Newport Division.

Councillor Fletcher considered that this particular review was very finely balanced and questioned how the concluded position had been reached, especially when consideration was given to the financial position. (The Electoral Services Manager advised Members that there had been a greater response to this particular review than the Great Dawley review, and that the responses received had been divided, with the majority of individual responses from Lilleshall, together with a petition of 359 local signatures opposing change. He also made reference to the Tables 4 and 5 which indicated to the best of the Council's ability a likely disaggregated budget between three separate parishes. The budgetary position was particularly complicated, and the associated interdependencies were complex in the present parishes, but it was the considered view of the Council's officers that a separate parish of Lilleshall and a separate parish of Donnington might encounter serious budgetary shortfalls which would either require a reduction of services for the electorate or an increase in the parish precept. The Democratic Services Manager reinforced this message, urging that the review should carefully consider the question of the provision of effective and convenient local government within the area.)

Again, Councillor Greenaway expressed the view that the summary of reasons for the Council's Draft Proposals, contained towards the conclusion of the document, should be made more open ended to reflect the fact that the document was a

consultation document which would be the subject of three months of public consultation during which important new evidence and views might come forward. Following a discussion by the Committee, it was agreed that this revision should be reflected within the Draft Proposals document.

Councillor Smith again questioned the length of time that was available for the next stage of the consultation process, inquiring as to whether this could be extended by two weeks to take account of the Christmas Festive period. Members were informed that this could be incorporated within the timetable and could be accommodated. The Committee discussed this particular aspect and agreed that the date extension should be amended within the documentation.

RESOLVED

Parish of Great Dawley –

that the draft Proposals Documents for the Parish of Great Dawley be formally adopted and published subject to the following amendments as indicated by the words in italics;

(a) 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 *“at this time”* because:

- **the submissions received *“to date”* 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;**
- ***“to date”* 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 *“would appear at this time to be”* appropriate for this parish with its overall community of identity but that also comprises different parts;**
- ***“at this time”* there are no pressing reasons for altering the present warding and electoral arrangements;**
- ***“it would appear at this stage in the Review”* that 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 *“so far”* come forward from the electors of**

the parish or from community organisations within it to lead to any different proposals being made.

- (b) addition of new paragraph 7.2 as appears below in italics;

“7.2 These Draft Proposals give our initial proposals for the future of community governance in Great Dawley. We now allow a period of three months, in accordance with our timetable at Table 3 above, for consultations on our proposals. Our Final Proposals will be made in response to the outcome of these consultations. They may wholly change our Draft Proposals, because we will endeavour again to encompass the broadly held views of the residents of the affected areas insofar as they are compatible with the legal tests and policies. There will then be a two-month period before the Council publishes its Recommendations in this Review, and this period allows time for any final submissions and arguments to be made covering matters which may not have arisen earlier in the Review.”

- (c) consequential amendment to the closing date of the consultation on the draft proposals in paragraph 7.3 to now read 29th January 2010 as appears below in italics;

7.3 A period for comments on the Draft Proposals has now opened, and this lasts until “29” January 2010.

Parish of Lilleshall & Donnington –

that the draft Proposals Documents for the Parish of Lilleshall & Donnington be formally adopted and published subject to the following amendments as indicated by the words in italics;

- (a) in paragraph 1.9 that the words in line one *“what may be described as a counter”* be replaced by the words *“a further”*.
- (b) in paragraph 1.9 that the words in line ten *“a counter”* be replaced by the word *“this”*
- (c) in paragraph 3.6 that the word in line twenty four *“counter”* be replaced by the word *“further”*
- (d) in paragraph 3.9 that the word in line eight *“counter”* be replaced by the word *“further”*
- (e) 7. Summary of Draft Proposals

7.1 The Draft Proposals are that there should be no changes in the present community governance arrangements in the parish of Lilleshall & Donnington *“at this time”* because:

- ***“at this time there would appear to be”*** an absence of community consensus that there is a distinct community of identity in the Lilleshall ward and ***“to date”*** there is an absence of submissions from the Donnington and Muxton wards; taken together this ***“would seem to argue”*** against any change to the current arrangements;
- the warding arrangement that exists in the present parish of Lilleshall & Donnington ***“would appear at this time to be”*** appropriate for this parish because it will allow the different parts of the parish to be represented on the parish council;
- ***“at this time”*** there are no pressing reasons for altering the present warding and electoral arrangements;
- ***“it would appear at this stage in the Review”*** that any change would not provide any substantial benefits in terms of the effective and convenient local government for the electors of the area;

(b) addition of new paragraph 8.2 as appears below in italics

“8.2 These Draft Proposals give our initial proposals for the future of community governance in Lilleshall & Donnington. We now allow a period of three months, in accordance with our timetable at Table 3 above, for consultations on our proposals. Our Final Proposals will be made in response to the outcome of these consultations. They may wholly change our Draft Proposals, because we will endeavour again to encompass the broadly held views of the residents of the affected areas insofar as they are compatible with the legal tests and policies. There will then be a two-month period before the Council publishes its Recommendations in this Review, and this period allows time for any final submissions and arguments to be made covering matters which may not have arisen earlier in the Review.”

(c) consequential amendment to the closing date of the consultation on the draft proposals in paragraph 8.3 to now read 29th January 2010 as appears below in italics

8.3 A period for comments on the Draft Proposals has now opened, and this lasts until *“29”* January 2010.

The meeting ended at 8.00 pm.

Chairman:

Date: