

TELFORD & WREKIN COUNCIL

LICENSING COMMITTEE – 15TH APRIL 2010

COMMUNITY GOVERNANCE REVIEW – PARISH OF LILLESHALL & DONNINGTON – FINAL APPROVAL OF PROPOSALS DOCUMENT

REPORT OF THE HEAD OF GOVERNANCE

1. PURPOSE

- 1.1 To seek Members approval of the Final Proposal document that has been prepared following the completion of this Review. The document incorporates the final proposals that had been formally approved at the meeting of the Licensing Committee that was held on the 1st April 2010. The report also seeks Member approval to the proposed change of name of the existing Parish Council to be renamed Lilleshall, Donnington & Muxton Parish Council and that the required reorganisation order under Section 75, Local Government Act 1972 be concluded by the Head of Governance.

2. RECOMMENDATIONS

- 2.1 That the Committee confirms and publishes the Final Proposals.
- 2.2 That delegated authority is granted to the Head of Governance to prepare and seal the required Re-organisation Order to affect the change in the current name of Lilleshall & Donnington Parish Council to Lilleshall, Donnington & Muxton Parish Council in accordance with Section 75, Local Government Act 1972.
- 2.3 That the Council publishes notification of the change of Parish name and sends notification to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General.

3. SUMMARY

- 3.1 Members are reminded that the Final Proposals document had been submitted to the meeting of the Licensing Committee that was held on 1st April 2010 and had been formally adopted as the Final Proposals following the conclusion of the statutory consultation period.
- 3.2 During the required consultation process it was reported that a consensus of opinion had been expressed that there was a strong

desire to reflect the names of all constituent parts of the Parish within the overall Parish name on the grounds of inclusiveness.

4. PREVIOUS MINUTES

Licensing Committee, 21 April 2009, Minute LC-72

Licensing Committee, 14th October 2009, Minute LC-60

Licensing Committee, 1st April 2010, Minute LC-143

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 consultation period had been conducted following the legislation and also contained within the previously published Terms of Reference.

5.2 The Committee were reminded that the Council had considered that there had been no proved impetus for change that could be regarded as sufficient to provide any substantial benefits in terms of effective and convenient local government for the electors of the area. It was also considered that service provision in parts of the existing parish might be constrained by the partitioning the parish. It is for this main reason that the Council considered that the Final Proposals stated that there should be no changes to the current community governance arrangements in the parish of Lilleshall & Donnington.

5.3 However the Committee were reminded that at their previous meeting that was held on 1st April 2010 that they had accepted the consensual argument that had been expressed during the consultation period of the proposal to amend the name of the parish to be called Lilleshall, Donnington & Muxton Parish Council in order to reflect the constituent parts of the overall Parish.

5.4 Members were advised that the Committee would be required to approve delegated authority being granted to the Head of Governance to undertake and seal the required Reorganisation Order that would be required under Section 75, Local Government Act 1972

5.5 Equal Opportunities

There are no immediate equal opportunities implications in this Review.

5.6 Environmental Impact

There are no such implications.

5.7 Legal Comment

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

Section 75 Local Government Act 1972 enables the Borough Council to change the name of a Parish where such a change of name is deemed reasonable. Although under the Local Government Act 1972 there is no requirement that such a proposed change should be subject to any consultation process a consultation process had been effected in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007.

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.

5.8 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.

5.9 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.

5.10 Financial Implications

Some postage and printing costs associated with the distribution and publication of the confirmed Final Proposal Document and the completion of the required Reorganisation Order are foreseen. However, these costs will be met from within existing resources.

6. WARD IMPLICATIONS

Lilleshall & Donnington and Muxton Borough Wards

7. BACKGROUND PAPERS

Local Government Act 1972

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.)

Final Proposals document

***Report prepared by Phil Griffiths, Democratic Services Manager,
Democratic Services - Tel: 01952 383210***