

## **LICENSING COMMITTEE**

### **Minutes of a meeting of the Licensing Committee held on Thursday, 1st April 2010 at 9.30 am in the Reception Suite, Civic Offices, Telford**

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

#### **LC-140 APOLOGIES FOR ABSENCE**

Councillors T.J.Hope, G.P.Hossell and K.L.Tomlinson.

#### **LC-141 DECLARATIONS OF INTEREST**

Councillor A.G.P Williams declared a prejudicial interest in Minute Number LC-142 and stated that he would leave the meeting prior to the commencement of this particular agenda item.

Councillor C.N. Mason declared a prejudicial interest in Minute Number LC-143 as he was a current Parish Councillor of Lilleshall & Donnington Parish Council and stated that he would leave the meeting prior to the commencement of this particular agenda item.

#### **LC-142 COMMUNITY GOVERNANCE REVIEW – PARISH COUNCIL OF GREAT DAWLEY**

The report of the Head of Governance was received which sought approval to the publication of the Final Proposals document following the completion of the extensive statutory consultation that had been undertaken.

Members were reminded that the Community Governance Review had commenced when the Borough Council had received a petition from 567 local government electors from the Dawley Ward of the Parish of Great Dawley that called 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 1007 and the guidance on Community Governance Reviews that had been issued in accordance with Section 100(4) of the Act by the Department for Communities and Local Government and the Electoral Commission. The review of this particular parish commenced on 22nd April 2009 and the Committee were reminded of the review process that had been undertaken.

The Committee was reminded that very few submissions had been received following the publication of the Draft Proposals document and the view was expressed by the Borough Council in the Draft Proposals document that any change in the current warding arrangements would not provide any substantial benefits in terms of effective and convenient local government for the whole of the electors for all of the Great Dawley parish. It was also mentioned within the draft proposals that a separate parish of Dawley would be required to make savings of £44,000 in its service provision or to raise its precept by an equivalent of £24.60 for each Band D property.

Following the publication of the Draft Proposals document only 20 submissions had been received by the Borough Council. As a result the Borough Council did not consider that there was an overwhelming impetus for change that could be regarded as sufficient to set aside the potential losses that it considered that the residents and electors of the whole of the parish of Great Dawley might encounter from the readjusted budgets of two separate parish councils. Members were advised that for this main reason the Borough Council considered that the Final Proposals in this Review should be that there should be no changes in the present community governance arrangements in the parish of Great Dawley.

Members were further informed that if the draft proposals were approved that there would be a short period of two weeks before the Borough Council published its recommendations in order to enable the submission of any final responses and arguments to be made which had not arisen earlier in the Review.

Following a discussion, it was;

**RESOLVED** – that the Final Proposals are that there should be no changes in the present community governance arrangements in the parish of Great Dawley for the following reasons;

- (a) the submissions received in this Review had not provided clear evidence that there were distinctive communities of identity in Dawley and Malinslee that would justify separate parish governance;
- (b) the review had 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 current absence of an adequate infrastructure in Malinslee to support a separate community of identity;
- (c) the warding arrangement that existed in the parish of Great Dawley would appear at this time to be appropriate for this parish to reflect local identity and to represent local people;
- (d) there were no pressing reasons for the alteration of the present warding and electoral arrangements;
- (e) it would appear that any change would not be in the interests of effective and convenient local government for the electors of the area and that the creation of separate Dawley and Malinslee parish councils would fail to meet the "viability test"; and,
- (f) since the publication of the terms of Reference in this review, only a small number of views had been submitted from the electors of the parish or from community organisations within it that would lead to any different proposals being made.

**LC-143      COMMUNITY GOVERNANCE REVIEW – PARISH COUNCIL OF LILLESHALL & DONNINGTON**

The report of the Head of Governance was received which sought approval to the publication of the Final Proposals document following the completion of the extensive statutory consultation that had been undertaken.

Members were reminded that the Community Governance Review had commenced when the Borough Council had received a petition from 333 local government electors from the Lilleshall Ward of the Parish of Lilleshall & Donnington that called 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 1007 and the guidance on Community Governance Reviews that had been issued in accordance with Section 100(4) of the Act by the Department for Communities and Local Government and the Electoral Commission. The review of this particular parish commenced on 22nd April 2009 and the Committee were reminded of the review process that had been undertaken.

The Committee was reminded that the borough council was required to balance the greater good for all residents of all parts of the existing Parish of Lilleshall & Donnington against any substantial impetus for change to the present community governance arrangements. It was further mentioned that this question had been at the heart of the review with the balance between the provision of effective and convenient local government on the one hand with the recognition of a community identity on the other. Members noted the concerns that had been raised in the Draft Proposals that there may not be significant benefits in terms of the costs of service provision. A petition signed by 359 local residents had been received towards the end of the period allowed for initial submissions together with a further petition signed by 477 local residents received in response to the publication of the Draft Proposals – both these petitions were in opposition to the creation of a separate parish.

The Committee was reminded that there needed to be an impetus for change and a clear message from the residents of Lilleshall or even Muxton and Donnington that such a change was wanted which may have obliged the Council to accept that, even if change might not necessarily be in the interests of effective and convenient government for residents in some of the areas of the parish, it was what the residents wanted. It was reported that such an impetus had not been forthcoming in this Review, and it was for this main reason that the Council considered that the Final Proposals in this Review should be that there should be no changes in the present community governance arrangements in the parish of Lilleshall and Donnington at this time.

However, during the review process it had been raised that in the interests of inclusiveness of all parts of the parish in its governance, the Borough Council had considered that there was a strong case for changing the parish's name to include all constituent parts of the overall Parish, and this had been included within the Final Proposal document.

Members were further informed that if the draft proposals were approved that there would be a short period of two weeks before the Borough Council published its

recommendations in order to enable the submission of any final responses and arguments to be made which had not arisen earlier in the Review.

Following a discussion, it was;

**RESOLVED** – that the Final Proposals are that there should be no changes in the present community governance arrangements in the parish of Lilleshall & Donnington for the following reasons;

- (b) there would appear to be an absence of community consensus in that there was a distinct community of identity in the Lilleshall ward and that there was an absence of submissions from the Donnington and Muxton wards which taken together would appear to argue against any change to the current arrangements;
- (b) the warding arrangement that existed in the parish of Lilleshall & Donnington would appear at this time to be appropriate for this parish to reflect local identity and to represent local people;
- (c) there were no pressing reasons for the alteration of the present warding and electoral arrangements;
- (d) it would appear that any change would not provide any substantial benefits in terms of effective and convenient local government for the electors of the area; and,
- (e) that, in the interests of inclusiveness of all parts of the parish in its governance, the Committee considered that there was a strong case for changing the parish's name to reflect all constituent parts of the Parish of Lilleshall & Donnington and that the name of the Parish should be changed to read Lilleshall, Donnington & Muxton which should be in effect from the publication of the required Reorganisation Order.

Prior to the Committee proceeding to the subsequent items of business the Chairman on behalf of the Committee wished to extend thanks to all of the Officers that had worked on the review together with the responses that had been received from the various local respondents and community organisations within the Parishes of Great Dawley and Lilleshall & Donnington.

#### **LC-144      EXCLUSION RESOLUTION**

**RESOLVED** – that the press and public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

#### **LC-145      MR.S.P. – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE**

After hearing the evidence presented by the Council's Licensing Operations Manager and the licensee in accordance with the hearings procedure and following consideration and discussion by the Committee, it was

**RESOLVED** – that the Committee considered that they were satisfied that the licensee remained a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly he could retain his licence subject to the issuing of a verbal warning as to future conduct.

**LC-146      MR.M.A. – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE**

After hearing the evidence presented by the Council's Licensing Operations Manager and the licensee and his representative in accordance with the hearings procedure and following consideration and discussion by the Committee, it was

**RESOLVED** – that the Committee considered that they were satisfied that the licensee remained a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly he could retain his licence subject to the issuing of a written warning with such warning to remain on his file.

**LC-147      MR.S.N. – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE**

After hearing the evidence presented by the Council's Licensing Operations Manager and the licensee and his representative in accordance with the hearings procedure and following consideration and discussion by the Committee, it was

**RESOLVED** – that the Committee considered that they were satisfied that the licensee remained a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly he could retain his licence subject to the issuing of a written warning with such warning to remain on his file.

The meeting ended at 3.10 pm.

**Chairman:**

**Date:**