



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**

FINAL PROPOSALS

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

1 APRIL 2010

**THE LICENSING COMMITTEE OF THE COUNCIL WILL PUBLISH ITS
RECOMMENDATIONS IN THIS REVIEW ON:**

15 APRIL 2010

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1. Introduction

1.1 Telford and Wrekin Council 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 2009. The Council published its Draft Proposals in response to the Community Governance Petition on 15 October 2009, and then allowed a period of three months ending on 29 January 2010 for comments on its Draft Proposals.²

1.3 In preparing its Draft Proposals, the Council was mindful of the request of the petitioners and the initial submissions that were received. The Council 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:

- reflects the identities and interests of the community in that area;

¹ Terms of Reference, Tables 2.1-2.2

² Copies of the Terms of Reference and Draft Proposals documents are available from our contact address at paragraph 9.2 below or at <http://www.telford.gov.uk/Council+democracy/Democracy+elections/CommunityGovernanceReview.htm>

- 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.³

1.4 In Part 2 of the Terms of Reference document consideration was given to the important question of consultation with the electors and other interested persons or bodies in this Review. A timetable for the Review was established which allowed for appropriate consultation periods, and a consultation strategy was devised and published. The Draft Proposals document was issued to individuals and community organisations that have an interest in the parish of Great Dawley. During the consultation period, two press releases were issued to advertise the publication of the Draft Proposals and the closing date for submissions. Copies of the Draft Proposals were made available on the Council's website and in local libraries.

1.5 It was the Council's Draft Proposals that there should be no change in the present community governance arrangements in the Parish of Great Dawley. Reasons were given to support the Draft Proposals. In summary these reasons were as follows:

- 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;

³ Section 93(4-5) of the 2007 Act

- 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.

1.6 In drawing up these Final Proposals, the Council has been primarily concerned to identify any submissions which significantly alter and influence the reasoning behind the Draft Proposals that there should be no change in the community governance arrangements in the Parish of Great Dawley.

1.7 In this Review, the Council has been required to balance the greater good for all the residents of all the parts of the existing Parish of Great Dawley against any substantial impetus for change to the present community governance arrangements. This question has been at the heart of this Review: the balance between providing effective and convenient local government on the one hand with the recognition of a community of identity on the other. In the Draft Proposals, the Council expressed its concerns that there might not be significant benefits in terms of the costs of providing separate parish services to the residents of Dawley and Malinslee and indeed in Dawley in particular there would be cause for concerns about the future

provision of services.⁴ However, such a finding would have been tempered by a clear voice for change from the residents of the parish, and, in particular, from the residents of Dawley who would be required to bear the brunt of any potential reduction in parish services or of an increase in their parish precept. As the Council prepared its Draft Proposals; there was really only the original petition which had triggered the Community Governance Review to serve as an expression of views. Twelve letters supporting a separate Dawley Parish were received too late to be considered as part of those Draft Proposals.

2. Submissions Received

2.1 The publication of the Draft Proposals on 15 October 2009 and the opening of a three-month period of consultation on them permitted the residents of the Parish of Great Dawley, and particularly those who wanted change, to demonstrate support for it. It also permitted them to show that the Council's concerns with regard to the future provision of parish services in their area were unfounded.

2.2 The Council received a total of 20 submissions in response to its Draft Proposals up to the closing date for submissions on 29 January 2010. The Chairman of the Licensing Committee has requested that all submissions that are made in response to the Council's Draft Proposals be copied and supplied to Members of the Committee. The submissions will also be placed in a deposit file that is open to inspection by members of the public. A submission number follows the names of all respondents, and refers to the submissions that have been supplied to Members and the copies in the public deposit copy of submissions.

Ingrid Ault (1)

Mrs S.A. Clayton (2)

Elaine Millman (3)

Mrs M.H. Williams (4)

⁴ Paragraphs 5.11-5.15, Draft Proposals

Ros and Paul Venezia (5)
Dave and Val Hodson (6)
Mr G. Shepherd (7)
Mrs S. Yates (8)
S.M. Woolley (9)
B. Preece (10)
Mr J. Higginson for Dawley Bank Horticultural Society (11)
Mrs D. Beach (12)
Parish Councillor Mrs C. Williams (13)
Barbera and Basil Westbrook (14)
Gene Williams (15)
Barbera Emerys (16)
Borough Councillor Vic Tonks (17)
A. Clayton (18)
Borough Councillor Helen Williams (19)
Borough Councillor Adrian Williams (20)

2.3 Submissions from Ingrid Ault (1), Mrs S.A. Clayton (2), Mrs M.H. Williams (4), Ros and Paul Venezia (5), Dave and Val Hodson (6), Mrs S. Yates (8), Mrs D. Beach (12), Barbera and Basil Westbrook (14), Gene Williams (15), Barbera Emerys (16) and A. Clayton (18) speak in favour of a separate parish for Dawley. Other submissions are similar in content, supporting a separate parish for Dawley. These include Elaine Millman (3), Mr G. Shepherd (7), S.M. Woolley (9) and B. Preece (10)

2.4 Some of the submissions now made are critical of the process that has been followed in this review. Borough Councillor Helen Williams (19) asserts that “many residents are confused and frustrated that they signed a petition to show their feelings towards having a separate parish council, and yet are now required to verify this in letters.” This point is also followed up by Gene Williams (15). Borough Councillor Vic Tonks (17) adds “consideration must be given to the fact that there has been no opposition to this”. He also emphasises that there were nearly 600 signatories of the original petition for change: “we ignore the wishes of our electorate at our peril, as this will

undoubtedly contribute eventually to the demise of parish councils.” Likewise, Dave and Val Hodson (6): “We have been informed that we have to put in writing our thoughts about Dawley having its own Town Council. We do wonder why a 600 signature petition which we signed is not considered to be proof of the wishes of the majority. We have read the Governance review and can not see any good reason why Dawley and Malinslee can not sustain their own parish/Town Council. It is what the people have asked for.”

2.5 It is important to clarify that an initial community governance petition does not automatically lead to a change in community governance arrangements. The petition triggers a detailed Review and the associated consultation process. The initial petition of 567 signatures would certainly appear to be a strong representation for change from the community. However, the Council would have expected this wish for change to be strongly reflected during the Review process in submissions by significant numbers of those people who signed the original petition.

2.6 The comments in paragraph 2.4 must be placed in perspective. The Council notes that over 8,400 electors and residents in Dawley and Malinslee stand to be affected by this Review. The present Great Dawley Parish Council delivers services to the cost of £235,826 to all these residents. In considering this Review, the Council is required to balance the greater good for all the residents of all the parts of the existing Parish of Great Dawley against any substantial impetus for change to the present community governance arrangements. That impetus for change appears to be primarily supported by a relatively small number of residents in the Dawley area, who organised the community governance petition signed by 567 of 4,124 electors in the Dawley Parish Ward. The initial petition represented 13.7% of the Dawley Ward electorate and 6.7% of the 8,467 electors in the Parish as a whole. The 567 signatures represented a significant minority of people in the Dawley ward. In addition, 12 letters supporting a separate Parish were received too late for consideration as part of the Draft Proposals and 20 letters have now been received in response to those proposals. These responses, in favour of a separate Parish for Dawley, represent 0.8% of the

Dawley Ward electorate and 0.4% of the Parish electorate. Although the initial petition indicated support from a significant minority of electors in the Dawley ward, the responses received have clearly failed to demonstrate any substantial impetus for change.

2.7 The Council has always emphasised that the main considerations that it 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 1.3 above. This identified the main ‘tests’ which we would need to apply in the Review which were summed up as a ‘community of identity’ test and a ‘viability’ test. The Council also emphasised that it could not consider the future of the Dawley ward in isolation from the future of the Malinslee.⁵ The Council noted its duty to promote effective and convenient local government across the whole of our Borough. To reiterate an earlier comment, in this Review, the Council has been required to balance the greater good for all the residents of all the parts of the existing Parish of Great Dawley against any substantial impetus for change to the present community governance arrangements.

3. The Community of Identity test

3.1 In the Council’s Draft Proposals, the Council noted that there appeared to be a blurring in any sense of identity between the two existing parish wards which argued against splitting of the parish. Dawley’s role as an area centre, used by the residents of Malinslee, and the lack of infrastructure in Malinslee seemed to suggest that there has to be interdependence between the two areas. The Council was particularly concerned by the lack of facilities to promote community cohesion in the Malinslee area. The Council has consistently stated that it would not lightly make a recommendation to cut off one area from another area on which there has been a traditional and long-standing dependence.⁶ The government has emphasised in its Guidance that the interests of community cohesion should be taken into account in a

⁵ Terms of Reference, para.1.7

⁶ Terms of Reference, para.6.8

Review.⁷ Furthermore, one of the Council's Community Objectives is for a community that is strong, cohesive and socially inclusive. The Council concluded that after applying the principles of the government guidance and the Council's Community Objectives, there did 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 led to a conclusion that splitting the Parish was not in the overall interests of effective and convenient local government.

3.2 In her response to the Draft Proposals, Borough Councillor Helen Williams (19) draws attention to the social differences between the two parishes. "I believe there is clear evidence that Dawley and Malinslee already have different communities which pull against each other, when any decisions are being made at Great Dawley Parish Council, leading to no decisions being made or favouring one area or the other, this is not a constructive way to work for either side... I believe that should Dawley and Malinslee be separated and be given their own parishes, then more could be achieved to support the areas they are working for, altercation would cease as continuing debates about one area receiving more than another would have no relevance... To split the parish into separate parishes would produce a more stable community, a community keen to participate, respecting of each other and having pride in their town." This point is followed up by Ingrid Ault (1) Elaine Millman (3), Mr G. Sheperd (7), Barbera and Basil Westbrook (14), Barbera Emerys (16). Likewise, Parish Councillor Mrs C. Williams (13) considers, "There is a distinct difference in social need, character, economic, cultural and local demography between the two areas... I totally support this initiative; communities thrive on strong foundations of trust, inspiration and visible active representation".

3.3 Borough Councillor Adrian Williams (20) considers, "Malinslee most certainly has all that is necessary to council and fend for themselves with health centres, schools, shopping centres, play facilities and all the

⁷ Guidance, paras.66-75

advantages of the Telford Centre, Park and Ice Rink.” Likewise Borough Councillor Vic Tonks (17), A. Clayton (18) and Borough Councillor Helen Williams (19) also identify the facilities that serve each area and would therefore serve to promote the community of identity of each area.

3.4 One response has been received from a community organisation operating in the area, Mr J. Higginson for Dawley Bank Horticultural Society (11) states that “after considering all information given and consulting DBHS members it is our belief that the two areas are significantly different and require a distinct variance towards application of services and amenities. This would be better achieved by each area having its own parish council working specifically for the benefit of their own community.”

3.5 A number of respondents consider that Dawley is unjustly represented on the parish council. Mrs S. Yates (8), for example: “I have lived and worked in Dawley all my life and have seen the decline of the high street due to lack of enthusiasm and new initiatives from a tired Dawley Parish Council. When the balance of power within the council body favours Malinslee it is no surprise that Malinslee wins every time.” Or Mrs S.A. Clayton (2): “I have learned that the balance of councillors serving on Great Dawley Parish favours those specifically representing and affiliated to Malinslee. Their first consideration and loyalty is towards their own electorate I believe this creates an unfair advantage.” Likewise Dave and Val Hodson (6) who state that “there is bias at work within Dawley parish and that needs of Dawley residents have consistently been ignored by a body in which Malinslee councillors hold the balance of power.” It is informative to note that during the preparation of the Draft Proposals, the Council encountered similar views from residents of Malinslee.⁸ However, such views do not appear to be reflected in the actual balance of councillors on Great Dawley Parish Council, and Table 1 from the Draft Proposals is reproduced here to show that Dawley is presently and will continue to be very marginally over-represented on a Parish Council for which seven councillors are elected from each ward.

⁸ Draft Proposals, paragraph 5.8.

Draft Proposals 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

As can be seen above, Dawley, represented by 7 councillors, currently has a councillor entitlement of 6.82 and this is forecast to fall to 6.65 by 2013/14.

4. Effective and Convenient Local Government

4.1 There would appear to be some belief that Dawley would be better off as a separate parish, with its own parish or town council and without Malinslee. S.M. Woolley 's submission (9) represents this view: "I have watched the decline of the High Street, the Phoenix School which is fifty-three years old has had very little spent on it over the years, while schools half that age have been knocked down and new schools built with community rooms etc. in Malinslee. Dawley has always been the poor relation of Telford and we need someone to stand up for it now. I would like equal and proper representation." Likewise B. Preece (10): "I am all in favour of two separate parish councils especially for the lifeblood of Dawley High Street. Dawley is my hometown I live and work here but feel Dawley is always going to be the poor relations which has gone on for several years." Or Mrs D. Beach (12): "I want to see Dawley thriving as a vibrant essential community... I am thrilled that regeneration is happening in Dawley and think that the creation of its own Town Council could not happen at a better time."

4.2 In the Draft Proposals the Council noted that Dawley is heavily dependent on the Council Tax Base and the income that is generated from Malinslee to help to provide viability for the parish council in the provision of services for all

the residents of Great Dawley. The Council undertook a careful exercise of disaggregating both the parish precept and the parish budget to attempt to show what the implications would be for two separate parish councils. The outcome of this exercise raised serious concerns for the Dawley area. While a separate parish of Malinslee might have a budgetary surplus of about £32,000, a separate Dawley parish would have a deficit of £32,000 on an overall budget of £164,512.53. The Council suggested 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, it was suggested, 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.

4.3 Furthermore, this already difficult position would be exacerbated by two further considerations. 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, and that might cause resentment for the residents of a new and smaller parish of Dawley. Of further concern, was the Council's belief that the economies of scale in the provision of services that the present Great Dawley Parish Council commands might be lost. This factor might serve to increase the actual shortfall that a separate Dawley parish council would find in its budget and they would limit the actual surplus that a separate Malinslee parish council would find in its budget. It was estimated that this further shortfall in the budget for a separate Dawley parish council would amount to another £12,000 and a commensurate cut in the surplus of a budget for a separate Malinslee parish would arise from these lost economies of scale. The Council also noted that this did 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.

4.4 The Council's overall conclusion was that the shortfall in the budget of a separate Dawley parish council was 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 was 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.

4.5 This conclusion has not been accepted by Borough Councillor Adrian Williams (20) who states: "I am confident that both Malinslee and Dawley can stand alone and that financially there would be little or no change in the rates for either area. Certainly not in the case of Dawley because we have already identified many savings that we could effect." He refers here to a schedule of identified savings that is attached to the submissions of both Borough Councillor Vic Tonks (17) and Borough Councillor Helen Williams (19). These savings amount to £31,350. Some of these proposed savings appear to relate to the Malinslee parish ward and this issue is discussed in section 5.1

4.6 The evidence suggests that the residents of a Dawley Parish would either be confronted by a substantial increase in their council tax, or a Dawley Parish Council would face the most difficult of decisions in reducing and cutting its level of services. There does not appear to be any clear evidence that a Dawley Parish would meet the viability test. 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 the benefits of these savings would need to be balanced against the penalties that would fall on the residents of Dawley

5. Summary of Final Proposals

5.1 This Review began with a community governance petition which called for a separate parish of Dawley and which was signed by 567 of the residents of that parish ward. The Council received very few submissions after the publication of its Terms of Reference document, and in its Draft Proposals expressed its view that, at that stage in the Review, any change would not provide any substantial benefits in terms of the effective and convenient local government for the electors of the whole parish of Great Dawley. Indeed, the Council expressed its concern that a separate parish of Dawley was likely to be required to make savings of up to £44,000 in its service provision in its area or to raise its precept by the equivalent of £24.60 for each Band D property.

5.2 The Council continues to consider that very significant savings will need to be found by a separate Dawley Parish Council, and that those identified by Councillor Vic Tonks (17) and Borough Councillor Helen Williams (19) do not fully address this issue. The savings proposals, totalling £31,350, include some expenditure items that actually relate partly or wholly to Malinslee. These items would be part of Malinslee's budget and should not be included in any assessment of proposed future savings for a separate Dawley Parish. The Council considers that the savings identified would be reduced after the Malinslee items were separated. The proposed savings, even if the Malinslee elements were to be ignored, are around £13,000 short of the potential requirement for £44,000 savings that were identified in the Draft Proposals. This clearly illustrates the magnitude of the problem that would lie before a separate Dawley parish council.

5.3 A large number of electors have the potential to be affected by the outcome of this Review: there are 4,124 electors in the Dawley parish ward and a further 4,343 electors in the Malinslee parish ward. Just fewer than fourteen per cent of the electors of the Dawley parish ward signed the original petition calling for a separate parish council, and twenty residents have now made submissions. The Council does not consider that it has an

overwhelming impetus for change that can be regarded as sufficient to set aside the very real potential losses that it considers that the electors and residents of the whole of the parish of Great Dawley would encounter from the readjusted budgets of two separate parish councils. It is for this main reason that the Council considers 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.

5.4 The Final 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 not provided 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 current 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 to reflect local identity and represent local people;**
- **there are no pressing reasons for altering the present warding and electoral arrangements;**
- **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’;

- **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.**

6. What happens next?

Final Proposals are published by Licensing Committee		April 1 2010
Licensing Committee publishes the Recommendations	Two weeks later	April 15 2010
Council publishes the Reorganisation Order	thereafter	

There will then be a short 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 have not have arisen earlier in the Review.

7 How to contact us

Electoral Services
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Telford
TF3 4LD

01952 383202

reviews@telford.gov.uk

<http://www.telford.gov.uk/Council+democracy/Democracy+elections/CommunityGovernanceReview.htm>

8. A list of Annexes

Annex 1 – Submissions received following the publication of the Draft Proposals

Annex 1

Submissions received following the publication of the Draft Proposals

1. Ingrid Ault, by letter, 3rd January 2010
2. Mrs S A Clayton, by letter, 14th January 2010
3. Elaine Millman, by letter, 5th November 2009
4. Mrs M H Williams, by letter, 26th October 2009
5. Mr & Mrs P Venezia, by letter, 26th October 2009
6. Mr & Mrs D Hodson, by letter, 1st November 2009
7. Mr G Shepherd, by letter, 2nd November 2009
8. Shirley Yates, by letter, 30th October 2009
9. S M Woolley, by letter, 30th October 2009
10. B Preece, by letter, 20th December 2009
11. Mr J Higginson, by letter, 30th December 2009
12. Mrs D Beech, by letter, 22nd January 2010
13. Mrs C Williams, by letter, 23rd January 2010
14. Mr & Mrs B Westbrook, by letter, 28th November 2009
15. Gene Williams, by letter, 17th January 2010
16. Barbara Emerys, by letter, 13th January 2010
17. Councillor Vic Tonks, by letter, undated
18. A Clayton, by letter, 5th January 2010
19. Councillor Helen Williams, by letter, 25th January 2010
20. Councillor Adrian Williams, by email, 28th January 2010