

**TELFORD & WREKIN COUNCIL**

**BOUNDARY REVIEW COMMITTEE – 26 SEPTEMBER 2013**

**COMMUNITY GOVERNANCE REVIEW – LILLESHALL, DONNINGTON & MUXTON PARISH COUNCIL – AGREEMENT OF TERMS OF REFERENCE DOCUMENT**

**REPORT OF ASSISTANT DIRECTOR: LAW, DEMOCRACY & PUBLIC PROTECTION**

**1. PURPOSE**

- 1.1 To seek Members approval for a draft Terms of Reference document for the conduct of this Review. The document incorporates the main policies that the Council will follow in the Review and its publication initiates the Review.

**2. RECOMMENDATIONS**

- 2.1 That the Committee adopts and publishes the Terms of Reference document.
- 2.2 That the Committee appoints the Assistant Director: Law, Democracy & Public Protection as the “Proper Officer” for the purposes of the review.

**1. SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Priority Plan objective(s)?	
	No	
	Will the proposals impact on specific groups of people?	
	Yes	<i>Electors in Donnington, Muxton and Lilleshall</i>
<b>TARGET COMPLETION/ DELIVERY DATE</b>	September 2014	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	Yes	Under the Local Government and Public Involvement in Health Act 2007 Local Authorities have the responsibility to undertake Community Governance Reviews, which includes arrangements in Parishes. The process to be followed is prescribed and will involve officer time and other associated costs, such as postages and printing. These costs will met from within existing resources.
<b>LEGAL ISSUES</b>	Yes	Authority is delegated to Boundary Review Committee to deal with all matters relating to Community Governance Reviews. There is a need to appoint an officer of the Council to act as “Proper

		<p>Officer” within the Regulations issued under the Act. The Proper Officer is needed to make decisions in respect of the apportionment of the property, rights and liabilities of parish councils where applicable. The Regulations set out criteria to be used by the Proper Officer in making such calculations.</p> <p>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.</p>
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	Yes	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.
<b>IMPACT ON SPECIFIC WARDS</b>	No	Donnington, Muxton and Church Aston & Lilleshall Borough wards.

### 3. SUMMARY

- 3.1 Telford and Wrekin Council has received a Community Governance Petition signed by 340 local government electors of the Lilleshall Ward of the Parish of Lilleshall, Donnington & Muxton .calling for a separate parish to be formed for their ward. The petition has been checked and found to be a valid petition in accordance with Section 80 of the Local Government and Public Involvement in Health Act 2007. In accordance with Section 83 of the Act, the Borough Council is required by law to conduct a Community Governance Review. A similar request for a separate Lilleshall parish was received in 2009. A Community Governance Review was undertaken and, following a counter petition, Licensing Committee concluded that existing parish arrangements should remain unchanged other than the name of the parish council being amended to include Muxton. Government guidance requires a 2 year moratorium before a further review of that parish area be requested, this period has elapsed and a further review can now be held.

### 4. PREVIOUS MINUTES

- 4.1 None relating to this Review.

### 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 and

Guidance on Community Governance Reviews that has been issued by the Department for Communities and Local Government and The Local Government Boundary Commission. The first stage of the Review is the drawing up of a Terms of Reference document. In effect, this document becomes the Council's policies for the conduct of the Review. It should provide background information to help to allow electors and other interested organisations to make informed submissions, but it should also refer to the legislative framework against which the Review must operate. Publication of the Terms of Reference commences the Review, and the Review must then be completed within twelve months.

The document now before Committee therefore attempts to provide information and the background legislative framework on the issues that are related to a review of the Lilleshall, Donnington and Muxton Parish. There is information on the present parish ward, electorate and present electoral arrangements. The legislation places an emphasis on consultation in a Review, and there is information on how the Council proposes to consult the electors and other interested organisations and the consultation periods that will be allowed in the Review. The Terms of Reference document attempts to provide guidance on how consultees should approach the key issues.

The last review in 2009 was particularly resource hungry in terms of officer time as well as printing and postage. This review will be conducted efficiently and effectively with the resources available.

The Council has a duty to ensure that community governance within the area under review meets the 'Community of Identity' test. Community governance should:

- a) reflect the identities and interests of the community in that area;
- b) be effective and convenient, and
- c) take into account any other, non-parish, arrangements for the purposes of community representation or community engagement in the area.

The council is required to ensure that Community governance arrangements take in to account community cohesion. They should reflect, and be sufficiently representative of people living across the whole community and not just a discrete cross section or small part of that community.

The council also needs to assess viability and be able to conclude that Lilleshall has the viability to stand alone, not dependent on the other parish wards and parish as a whole, in the funding and provision of services that would compare with current service levels.

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.

## **5.2 What happens next?**

Publication of this Terms of Reference document formally launches the Review, and it opens a suggested two-month period in which initial submissions are invited. We will then use the submissions that are received together with the policies outlined in the Terms of Reference and the legislative framework to help us draw up Draft Proposals for the future of community governance in the affected area. European elections take place in late May and therefore May has been left clear in the Review timetable as key staff will be fully engaged with election work during this period.

The council is keen to keep the review process as simple and straightforward as possible.

### **A timetable for the Review**

<b>Action</b>	<b>Timetable</b>	<b>Relevant Date</b>
Terms of Reference are published		September 30
Introductory stage – submissions are invited	Two months	October 1 – November 30
Draft Recommendations are prepared	Two months	December 2 – January 31
Draft Recommendations are published		February 7
Consultations	Three months	February 10 – May 9
Final Recommendations are prepared		June 2014
Final Recommendations are adopted by Boundary Review Committee and published		July 2014
Council publishes the Reorganisation Order		July/August 2014

## **6. WARD IMPLICATIONS**

Donnington Borough Ward  
Muxton Borough Ward  
Church Aston & Lilleshall Borough Ward (Lilleshall part)

## 7. BACKGROUND PAPERS

Local Government and Public Involvement in Health Act 2007

Guidance on Community Governance Reviews (Department for Communities and Local Government and LGBCE, March 2010).

Community Governance Reviews And Related Matters – Local Government And Public Involvement In Health Act 2007 – A Guide To New Legislation And Practice

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