

TELFORD & WREKIN COUNCIL**BOUNDARY REVIEW COMMITTEE – 23 JUNE 2014****COMMUNITY GOVERNANCE REVIEW – LILLESHALL, DONNINGTON & MUXTON PARISH COUNCIL – AGREEMENT OF FINAL PROPOSALS****REPORT OF ASSISTANT DIRECTOR: LAW, DEMOCRACY & PEOPLE SERVICES****1. PURPOSE**

1.1 To seek Members approval for a Final Proposals document.

2. RECOMMENDATIONS

2.1 That the Committee adopts and publishes the Final Proposals.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	No	
	Will the proposals impact on specific groups of people?	
	Yes	Electors in Lilleshall Donnington & Muxton Parish wards
TARGET COMPLETION/ DELIVERY DATE	August 2014	
FINANCIAL/VALUE FOR MONEY IMPACT	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 be met from within existing resources.
LEGAL ISSUES	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

		<p>Council to act as “Proper 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>
OTHER IMPACTS, RISKS & OPPORTUNITIES	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.
IMPACT ON SPECIFIC WARDS	Yes	Church Aston & Lilleshall Ward Donnington Ward and Muxton ward

3. **SUMMARY**

- 3.1 Telford and Wrekin Council received a Community Governance Petition signed by 340 electors of Lilleshall Parish ward of Lilleshall Donnington & Muxton Parish Council, for the purpose of considering a separate Parish to be formed for their ward. In accordance with Section 83 of the Act, the Borough Council was required by law to conduct a Community Governance Review. A similar request for a separate Parish for Lilleshall was received in 2009. The Community Governance Review conducted at that time concluded that existing Parish arrangements should remain unchanged other than amending the name of the Parish Council. The Review commenced in October 2013. Draft Proposals were published in February 2014, allowing 3 months for responses. The Draft Proposals were that although Lilleshall appeared to fulfil the technical and legal requirements to form a separate Parish, in order to assist the Council in making a final recommendation, there should be a ballot of Lilleshall electors to determine their views on the formation of a separate Lilleshall Parish.

The postal ballot of Lilleshall electors result was as follows:

For a separate Lilleshall Parish 320

Against a separate Lilleshall Parish 259

Turnout 53%

Subsequently, a counter petition, opposing any change to Parish arrangements was received, signed by 553 electors (51% of Lilleshall electors).

This was the fifth different petition received since the process began in 2009. Evaluating the results of the postal ballot and the counter petition is not straightforward. But the counter petition was raised in direct response to the ballot which allowed each individual to respond to the question directly by means of a secret ballot conducted under election rules. Therefore, on balance, it is considered that the ballot provides a more accurate reflection of the views of the broader Lilleshall community. Previous petitions and counter petitions have provided no clear guidance on the views of the broader Lilleshall community. The Final Proposals are for a separate Lilleshall Parish Council, returning 7 Parish councillors, and that the Council request LGBCCE to make a related alteration to reflect the changes made at Parish level prior to publication of the revised electoral register on 1 December 2014.

This is a finely balanced recommendation, based on the fact that Lilleshall fulfils the tests required for the formation of a separate Parish together with the consultation responses received since the review commenced. A number of responses have been received opposing change together with a substantial counter petition. However, greater weight has been attributed to the result of the poll of electors which gave the community an opportunity to express their views individually, producing a turnout similar to the last Parish election. Should Members decide not to approve the proposals for a separate Lilleshall Parish Council they should note that legislation requires a 2 year moratorium before a further petition can be submitted.

4. **PREVIOUS MINUTES**

4.1 Boundary Review Committee 29 April 2014.

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 document now before the Committee presents a final proposals document for approval by Members.

5.2 **What happens next?**

A further two weeks are now given for any issues pertinent to this review that have not previously been raised to be submitted before Final Recommendations are published. Dependent on the Committee's decision, a Reorganisation Order would then be published if the decision was taken that Lilleshall should have a separate Parish. The Borough Council would also need to put in place transitional arrangements for a 'shadow' council to work on the setting a budget and Council Tax precept for Lilleshall which the Borough council would have to approve prior to elections in May 2014.

A Timetable for the Review

Action	Timetable	Relevant Date
Terms of Reference are published		29 April 2014
Consultations	6 weeks	6 June 2014
Final Recommendations are prepared		June 2014
Final Recommendations are adopted by Boundary Review Committee and published		June/July 2014
Council publishes the Reorganisation Order		July 2014

6. **WARD IMPLICATIONS**

Donnington, Muxton & Church Aston & Lilleshall wards

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

Terms of Reference and Draft Proposals

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