

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Friday, 24th July 2009 at 9.30 am in the Quaker Room, Meeting Point House, Southwater Square, Telford

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

LC-17 MINUTES

RESOLVED – that the minutes of the meetings of the Licensing Committee held on 24th June, 29th June and 30th June 2009 be confirmed and signed by the Chairman.

LC-18 APOLOGY FOR ABSENCE

Councillor K.L.Tomlinson.

LC-19 DECLARATIONS OF INTEREST

Councillor G.J.L.Davies declared a prejudicial and personal interest in Minute Item LC-21 on the basis that he was a family friend of the legal representative who had been instructed to act on behalf of the licensee and stated that he would leave the meeting prior to the commencement of this particular hearing.

LC-20 EXCLUSION OF PRESS AND PUBLIC

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

N.B. In accordance with the previous declaration of interest that was made by Councillor G.J.L.Davies he left the meeting room prior to the commencement of the following agenda item.

LC-21 PRIVATE HEARING – MR.W.H – DUAL DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and her witness and the licensee and his legal 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 not satisfied that the licensee was a fit and proper person to be licensed as a Dual Driver and that accordingly his Dual Driver Licence should be revoked.

The meeting ended at 4.40 pm.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Monday, 27th July 2009 at 9.30 am in the Reception Suite, Civic Offices, Telford

PRESENT: V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), G.J.L.Davies, J.A.Francis, Y.C.Hicks, G.P.Hossell, T.Kiernan, A.A.Mackenzie (for minute items LC-22 – LC25 inclusive only), C.N.Mason and A.G.P.Williams.

LC-22 APOLOGIES FOR ABSENCE

Councillors R.G.Chaplin, T.J.Hope, H.Rhodes, C.F.Smith and K.L.Tomlinson.

LC-23 DECLARATIONS OF INTEREST

None.

LC-24 EXCLUSION OF PRESS AND PUBLIC

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-25 PRIVATE HEARING – MR.M.A – REVIEW OF A PRIVATE HIRE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and her witness 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 Driver subject to the issuing of a severe written warning to the licensee together with a further requirement that the licensee should attend a training session to be arranged by the Licensing Service to ensure that the licensee was fully aware of and conversant with his conditions of licence.

LC-26 PRIVATE HEARING – MR.K.S. – REVIEW OF A PRIVATE HIRE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and her witness 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 Driver subject to the issuing of a severe written warning to

the licensee together with a further requirement that the licensee should attend a training session to be arranged by the Licensing Service to ensure that the licensee was fully aware of and conversant with his conditions of licence.

The meeting ended at 2.15 pm.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Thursday, 30th July 2009 at 9.30 am in the Quaker Room, Meeting Point House, Southwater Square, Telford

PRESENT: V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), J.A.Francis, Y.C.Hicks, T.J.Hope (for minute items LC-27 to LC-32 inclusive only), T.Kiernan, A.A.Mackenzie (for minute items LC-27 to LC-32 inclusive only), C.N.Mason, H.Rhodes, C.F.Smith, K.L.Tomlinson and A.G.P.Williams.

LC-27 APOLOGIES FOR ABSENCE

Councillors R.G.Chaplin, G.J.L.Davies and G.P. Hossell..

LC-28 DECLARATIONS OF INTEREST

Councillor E.J. Greenaway declared a personal interest in relation to minute number LC-31 and stated that she would leave the meeting during the consideration and determination of this particular agenda item.

LC-29 PRIVATE HIRE OPERATORS LICENCES

The report of the Head of Prevention & Protection was received by the Committee asking Members to consider whether it was necessary to attach a condition relating to maintenance of vehicles to Private Hire Operator conditions of Licence or whether the current conditions attached to Private Hire Vehicle Licences were sufficient to ensure the safety of licensed vehicles.

The Committee were reminded that Section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 allowed a local authority to impose any conditions that it considered reasonably necessary on a Private Hire Operator's Licence. Members of the Licensing Committee had asked whether a condition regarding maintenance of Private Hire Vehicles could be attached to Private Hire Operator Licences.

Telford & Wrekin Council has responsibility for licensing Hackney Carriage and Private Hire Vehicles & Drivers and Private Hire Operators within the borough of Telford & Wrekin. The purpose of licensing Hackney Carriages and Private Hire Vehicles & Operators Conditions was to ensure the provision of a safe and accessible service to the public.

As a result of the request the Licensing Operations Manager had looked at Private Hire Operator Conditions issued by other West Midlands local authorities. It was reported to the Committee that only one of those authorities had a condition attached to the Private Hire Operator Licence which related to the maintenance of vehicles. The particular local authority had informed the Licensing Operations Manager that the condition was enforced with a "light touch".

The Committee was reminded that the Council had recently undertaken a complete review of its conditions of licence for Private Hire Drivers, Vehicles

and Operators and the revised conditions which were resolved to be implemented by the Council's Licensing Committee had been implemented since 1st December 2008.

Since the implementation of the newly revised conditions, the Council's Licensing Service had undertaken three joint enforcement exercises, the results of which were outlined within Appendix C of the report. The results of the exercises indicated that the Licensing Service's enforcement procedures were working. The report advised the Committee that if a condition was attached to the Private Hire Operator's Licence relating to keeping of a maintenance record of vehicles, resources that would normally be used for vehicle inspections would be diverted towards inspections of maintenance records held by Operators.

During a discussion the majority of members considered that the existing conditions as drawn were of a sufficient nature to enforce the current conditions and also to ensure that vehicles were properly maintained. It was further concluded that excess time would be required if Licensing Officers were requested to spend time perusing individual vehicles maintenance log records. A minority of members were of the view that such records should be kept as operators should have been made responsible for vehicles which displayed their badges irrespective as to whether they owned the vehicle or not.

RESOLVED – that having considered all relevant information that Members decided to confirm that the current conditions of licence attached to Private Hire Vehicle Licences were considered to be sufficient to ensure the safety of licensed vehicles.

LC-30 EXCLUSION OF PRESS AND PUBLIC

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

N.B. In accordance with her previous declaration of interest Councillor E.J. Greenaway left the meeting during the consideration and determination of the following agenda item.

LC-31 PRIVATE HEARING – MR.A.O – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and the applicant 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 applicant was a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his licence application should be granted.

N.B. Councillor E.J. Greenaway returned to the meeting for the remaining items of business.

LC-32 PRIVATE HEARING – MR.D.B – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and the applicant 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 applicant was a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his licence application should be granted.

LC-33 PRIVATE HEARING – MR.M.H – APPLICATION FOR A PRIVATE HIRE VEHICLE DRIVER LICENCE

The Committee was informed that the applicant was not in attendance as requested in the letters from the Democratic Services Officer. The Licensing Operations Manager informed Members that she had spoken to the applicant on the telephone who had advised her during the conversation that he wished to withdraw his application. The Licensing Operations Manager had advised the applicant that if he wished to withdraw his application that he was required to confirm this request in writing. It was confirmed that no such correspondence had been received by the Licensing Operations Manager or the Democratic Services Officer. After hearing the legal advice of the Council's solicitor and having discussed the matter further, it was;

RESOLVED – that the application for the granting of a Private Hire Vehicle Driver licence be adjourned sine die.

The meeting ended at 2.20 pm.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Monday, 3rd August 2009 at 11.00 am in the Reception Suite, Civic Offices, Telford

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

LC-34 APOLOGIES FOR ABSENCE

Councillors R.G.Chaplin, G.J.L.Davies and K.L. Tomlinson

LC-35 DECLARATIONS OF INTEREST

None

LC-36 URGENCY RESOLUTION

The Chairman of the Committee stated that she was of the opinion that the following item of business should be dealt with as a matter of urgency at this meeting in order to avoid any unnecessary delay.

LC-37 LICENSING ACT 2003 (PREMISES LICENCES AND CLUB PREMISES CERTIFICATES) (MISCELLANEOUS AMENDMENTS) REGULATIONS 2009

The report of the Head of Prevention & Protection was presented to the Committee which sought to inform Members of the regulatory reform for Minor Variations to Premises Licences and Club Premises Certificates and to inform of the regulatory reform for supervision of alcohol sales in Church and Village Halls &c . The report also requested the Committee to consider whether delegated powers could be granted to the Licensing Operations Manager to approve and determine applications for minor variations in accordance with the Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009.

The Committee was advised that changes were being made by Legislative Reform to the Licensing Act 2003 for the introduction of new arrangements to facilitate minor variations to be made to Premises Licences and Club Premises Certificates and also to remove the mandatory condition on premises licences for Churches and Village Halls requiring sales of alcohol to be authorised by a designated premise supervisor and personal licence holder.

The Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009 inserted new provisions into the Licensing Act 2003 to establish procedures for the variation of premises licences and club premises certificates in cases where the Licensing Authority considered that none of the variations proposed by the holder of the licence or certificate could have an adverse effect on the promotion of any of the licensing objectives. Under the new provisions, the holder of a premises

licence or club premises certificate may apply to the relevant licensing authority for variation of the licence or certificate.

In determining an application, the Licensing Authority must consult responsible authorities and must take into account any relevant representations made concerning the application by those authorities or by an interested party, provided that the comments were made in writing within ten working days following the date of receipt of the application by the Licensing Authority.

Members were further informed that the Licensing Authority must grant an application under the new provisions only if it considers that none of the variations proposed in the application could have an adverse effect on the promotion of any of the licensing objectives. In any other case the Licensing Authority must reject the application. The procedure differed from the normal procedure for the variation of a premises licence or club premises certificate, where the applicant must give notice of the application to each responsible authority and where the application must be referred to a hearing of the Licensing Sub-Committee in the event that a responsible authority or interested party makes a relevant representation.

The Committee were advised that an application may not be made if the effect of the variation(s) proposed in the application would be to extend the period for which a premises licence has effect; to vary substantially the premises to which a premises licence or club premises certificate related; to specify an individual as the designated premises supervisor; to authorise the sale or supply of alcohol or to authorise the sale by retail or supply of alcohol at any time between 11pm and 7am or increase in the amount of time on any day during which alcohol may be sold by retail or otherwise supplied; or to disapply the mandatory conditions concerning the supervision of alcohol sales by a personal licence holder and the need for a Designated Premises Supervisor who holds a personal licence at community premises. It was pointed out that variations of this type must be made through the normal variations procedure.

Under the Regulation the Licensing Authority was required to reach its determination within a period of fifteen working days starting on the first working day after the authority receives the application, otherwise the application is rejected and the authority must return the (statutory) application fee. The report sought the Committee to grant delegated authority to the Licensing Operations Manager to approve and determine any applications for minor variations that were received in accordance with the new Regulation as detailed above.

The Committee was also informed of the Regulatory Reform (Supervision of Alcohol Sales in Church and Village Halls &c) Order 2009 the power of which was to insert new provisions into the Licensing Act 2003 so that the mandatory conditions, relating to a premises licence specifying a designated premises supervisor and personal licence holder for the sale of alcohol, be disapplied in relation to premises licences held by village halls, church halls, chapel halls, community halls and similar community premises.

Members were advised that where the mandatory conditions were disapplied, an alternative mandatory condition would be automatically applied instead. The effect of the alternative condition would be that responsibility for authorising sales of alcohol would fall on the premises licence holder itself, which would be considered to be the committee or board of individuals responsible for the management of the premises. These individuals would be required to undertake the responsibilities that would normally be undertaken by a designated premises supervisor. The new regulations would state that provided the premises licence holder (i.e. the committee) had properly authorised the sale of alcohol, for example in written form through a hire agreement, an organisation or hirer using these premises for the sale of alcohol under the authority of the premises licence would not be required to obtain a personal licence.

There would be no automatic disapplication of the conditions in respect of any premises. A management committee of a community, church or village hall that sought the removal of the conditions from an existing licence, or wished to apply for a licence that did not include them would need to apply to the licensing authority for the conditions to be removed and the alternative condition imposed instead.

The Committee was further advised that the licensing authority would be required to determine the application taking into account any representations from the police. If such representations included a statement to the effect that in the exceptional circumstances of the case, granting the application would undermine the crime prevention objective, the authority would be required to reject the application. It was further mentioned that where a premises licence has had the usual mandatory conditions removed in this way, they may be reinstated if concerns arose over the promotion of any of the licensing objectives by means of an application for review.

Following a discussion, it was;

RESOLVED –

- (a) that the contents of the report in relation to Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009 and the Regulatory Reform (Supervision of Alcohol Sales in Church and Village Halls &c) Order 2009 be noted; and,
- (b) that delegated authority be granted to the Licensing Operations Manager to approve and determine applications for minor variations in accordance with the provisions contained within the Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Miscellaneous Amendments) Regulations 2009.

LC-38 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the

likely disclosure of information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

LC-39 PRIVATE HEARING – MR.G.B – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and her witnesses and the applicant and his legal 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 applicant was not a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his licence should be revoked immediately in accordance with Section 52 of the Road Safety Act 2006.

The meeting ended at 2.45 pm.

Chairman:

Date:

TELFORD & WREKIN COUNCIL

LICENSING COMMITTEE – 1 SEPTEMBER 2009

**COMMUNITY GOVERNANCE REVIEW – PARISH OF HADLEY AND
LEEGOMERY**

REPORT OF HEAD OF LEGAL SERVICES

1. PURPOSE

1.1 To consider a letter received from Hadley and Leegomery Parish Council, requesting that a review be held of the warding arrangements in their Hadley and Leegomery parish ward.

2. RECOMMENDATIONS

That a review of the Hadley and Leegomery Parish Ward of the Parish of Hadley and Leegomery is commenced by the preparation for the Committee's consideration of a Terms of Reference document in accordance with the Local Government and Public Involvement in Health Act 2007

3. SUMMARY

3.1 As Members will now be aware, the Local Government and Public Involvement in Health Act 2007 has transferred to this Council powers to conduct reviews of both parish areas and parish electoral arrangements. Hadley and Leegomery Parish Council, being mindful of this change in legislation, has asked the Council to conduct a review of its Hadley and Leegomery Parish Ward. A copy of the letter received from the parish council is attached. This report asks the Committee to commence a review. The first element in a review will require the Electoral Services Manager to prepare a Terms of Reference document for the Committee's consideration at its meeting of the Committee on 21 October 2009.

4. PREVIOUS MINUTES

NIL

5. INFORMATION

5.1 Background

Hadley and Leegomery Parish Council comprises two parish wards for the purposes of elections of councillors to its council: the Apley Castle

Parish Ward with 2,378 electors and four councillors, and the Hadley and Leegomery Parish Ward with 7,143 electors and 12 councillors. The Parish Council's letter lays out its arguments for an alternative warding arrangement, and suggests that the Hadley and Leegomery Parish Ward is presently too large.

The procedure for a review of parish electoral arrangements is laid out in Part 4 of the Act. The Act requires that principal councils should be mindful of any guidance issued by the Department for Communities and Local Government and by the Electoral Commission on how to conduct reviews. That guidance was issued in April 2008.

The Act allows for reviews to be triggered either by the principal council or in response to a petition from local electors. The principal council is not legally required to conduct a review in response to a parish council request, and the Committee could therefore decline the formal request from Hadley and Leegomery Parish Council. However, the request from the Parish Council is comparatively straight forward; it does not affect any neighbouring parishes; the initial arguments are well put, and it is therefore recommended that this Council should undertake a review.

A review would commence with the Committee adopting and publishing a Terms of Reference document, and there would then be a twelve-month period in which the review had to be completed. We believe that this review would run to a fairly short timetable. It would need to focus on two issues: firstly, whether it is desirable for particular areas of the existing parish ward to be separately represented on the parish council, and, secondly, whether the number and distribution of local government electors in the present parish ward make a single election of councillors impracticable or inconvenient. The Terms of Reference document will outline the timetable for the review, and that timetable must allow sufficient time for public consultation with all interested organisations and with the electorate. A suggested timetable would allow for two months for initial submissions to be made; two months for comments on Draft Proposals, and one month for any comments on Final Proposals before the Committee publishes its Recommendations and, if need be, a Reorganisation Order.

5.2 Equal Opportunities

The Act and Guidance require that extensive consultation should be undertaken in a review to ensure that the Recommendations reflect, as far as is possible, the views and desires of the community. The Act also states the two touchstones in a review of parish areas: to ensure that community governance in an area reflects the interests and identities of the community, and to ensure that it is effective and convenient. However, there are no further equal opportunities issues at stake.

5.3 Environmental Impact

There are no such implications.

5.4 Legal Comment

Part 4 of the Local Government and Public Involvement in Health Act 2007 transferred the powers and duties to conduct Community Governance Reviews to principal councils. This came into effect on 13 February 2008. This part of the Act also specifies the main requirements for reviews.

When considering and undertaking such a review the Council must comply with all statutory requirements and must have regard to any guidance issued by the Secretary of State or the Electoral Commission.

Further legal advice will be provided if required.

5.5 Links with Corporate Priorities

The Guidance referred to above emphasises how importantly both the government and the Electoral Commission consider the contribution of parishes and parish councils to community engagement and participation and the generating of a positive impact on community cohesion. This links very clearly with our Community Priority 4: the creation of safe, strong and cohesive communities.

5.6 Opportunities and Risks

The opportunities and risks associated with this decision/option/project have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified

5.7 Financial Implications

The only costs expected as a result of conducting this review relate mainly to advertising and copying, these are not expected to be significant and will be absorbed from within existing budgets within Electoral Services.

6. WARD IMPLICATIONS

Hadley and Leegomery Borough Ward

The Hadley and Leegomery Parish Ward of the Parish of Hadley and Leegomery is co-terminous with the Hadley and Leegomery Ward of the Borough Council. However, the partition of the present parish ward

into two or three smaller parish wards would not affect the present Borough ward. Many of our borough wards comprise groupings of a number of parish wards.

7. BACKGROUND PAPERS

Letter received from Hadley and Leegomery Parish Council, dated 4th June 2009, and now attached

Local Government and Public Involvement in Health Act 2007 (Part 4)

Guidance on community governance reviews (The Department for Communities and Local Government and the Electoral Commission, April 2008)

Telford and Wrekin Council – Electoral Services – Reviews of Parishes and Related Matters – Local Government and Public Involvement in Health Act 2007 – An office guide to new legislation and practice

Telford And Wrekin Council – Electoral Services – Reviews of Parishes and Related Matters – Local Government And Public Involvement In Health Act 2007 – Model Terms Of Reference

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



Hadley and Leegomery Parish Council

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Melvin Humphreys
Electoral Services Manager
Telford & Wrekin Council
Civic Offices
PO Box 215
Telford
TF3 4LF

4th June 2009

Dear Melvin

PARISH COUNCIL WARDING ARRANGEMENTS – REQUEST FOR REVIEW

The Parish Council wishes to request that a review be carried out of the warding arrangements in respect of the existing Hadley and Leegomery ward of the Parish.

The ward is considerably larger than others within Telford and Wrekin, having 7471 electors and covering a large and diverse geographical area. This single ward returns twelve councillors to the Parish Council. The Council has looked at the ward structures of eleven parish councils within the urban area of Telford and Wrekin, and across those parishes there is an average of approximately 2700 electors per ward, and twenty one of those wards have less than the average number.

The size of the ward and the resulting large number of councillors presents difficulties when residents wish to contact their local councillor as they often do not know which one of the twelve to approach. As a result over time some councillors will receive many more enquiries from local people than others, and smaller wards with fewer councillors would enable residents to be much clearer about who their own local representatives are. Similarly the Council believes that smaller wards with correspondingly fewer members would make individual councillors more accountable to their electorate.

The final point which the Council considers to be important is the cost of bye elections. In the last twelve months three casual vacancies have arisen in the Hadley and Leegomery Ward, and had elections been called in each case the cost to the local tax payer would have been around £22000.00. Again, smaller wards would help by reducing the cost of future bye elections in any one ward.

The council believes that the Apley Castle ward of the Parish is of the correct size and that no alterations are necessary, but asks that a review of the Hadley and Leegomery ward be undertaken with a view to dividing it in to three smaller wards. It is understood that Telford &

Wrekin Council, as the principal authority, must first consider whether a review should take place before any detailed proposals are put forward, but the Parish Council suggests that as a starting point the existing three separate polling districts of Hadley North, Hadley South and Leegomery could be considered.

Yours sincerely



Colin Potts
Clerk of the Council

c.c. Cllr. Andrew Eade, Leader, Telford & Wrekin Council