

**BRIDGNORTH TOWN COUNCIL
TOWN COUNCIL MEETING
Tuesday 17th December 2019**

LJ/2019

11 December 2019

REPORT TO TOWN COUNCILLORS

AGENDA ITEM 10 – Community Governance Review

AIM

1. To note the Town Council submission to the Community Governance Review following the publication of Shropshire Council's Draft Proposals.

BACKGROUND

2. 21st March 2019 - Bridgnorth Town Council (BTC) submitted a petition to Shropshire Council for a CGR on.
3. Shropshire Council produced Terms of Reference on 19th July 2019 and advertised a consultation period from 19th July to 6th September 2019.
4. 2 September 2019 - Bridgnorth Town Council submitted its response to the consultation.
5. 14th October 2019 - Shropshire Council publishes its 'Draft Proposals' (with recommendations of no change)
6. Bridgnorth Town Council Minute 0269/1920 refers. Authority for producing a Town Council response to the Draft Proposals was delegated to the existing Community Governance Review Working Group.

DISCUSSION/ COMMENT

7. Members of the [Town Council] working group discussed over a period of time, the Shropshire Council document and its recommendations and the fact that the Draft Proposals document provides almost no reference to any of the argument submitted by BTC and therefore it was unrepresentative of the views submitted and not presented in an objective manner. Members of the [Town Council] working group acknowledged that the entire Bridgnorth Town Council consultation submission might not be an appropriate way forward or that some modification of its recommendations might be appropriate. However, to have all its comments apparently dismissed out of hand seemed wholly unjust and put into question the process followed by Shropshire Council.
8. Much of the Draft Proposals document seemed to extract hearsay and common misunderstanding from a number of submissions and that by merely repeating them in its Draft Proposals document Shropshire Council were giving those comments unwarranted credibility.

9. Working group members noted that there appeared to be no appreciation in the Draft Proposals document that the houses on the edge of Bridgnorth (within the boundary of the Parish of Tasley) could readily be identifiable as an extension of the urban conurbation of Bridgnorth. A physical visit to the location would likely highlight that.
10. Informed by the discussion, the Town Clerk prepared a draft response on behalf of the [Town Council] working group and over a period of a couple of weeks the submission was fine tuned. Members of the Working Group met on Monday 9th December to agree the Bridgnorth Town Council submission.
11. The Bridgnorth Town Council submission was sent to Shropshire Council on Tuesday 11th December 2019, **copy attached.**

RECOMMENDATION(s)

12. There are no recommendations.



Lee Jakeman
Town Clerk



BRIDGNORTH TOWN COUNCIL

LJ/2019/CGR

10th December 2019

COMMUNITY GOVERNANCE REVIEW – LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 – DRAFT PROPOSALS CONSULTATION – PARISH BOUNDARY CHANGES TO BRIDGNORTH

AIM

1. To provide a response on behalf of Bridgnorth Town Council to the Draft Proposals Consultation that closes on 13th Dec 2019; challenging the draft recommendations and demonstrating that boundary changes at this time are wholly appropriate.

BACKGROUND

2. The shape and size of Bridgnorth has changed significantly over the past 20 or so years with much housing development taking place on the edge of Town and beyond. We believe the last review took place in 1999. However that did not specifically consider the parish boundary; it related to matters pertaining to the former Bridgnorth District Council wards. We believe that the last meaningful review of parish boundaries was held in the 1970's.
3. Bridgnorth Town Council has sought to have a Community Governance Review (CGR) for a number of years with the most recent request being on 22nd August 2018. The main driver being expansion of the Town due to new housing developments to the west (in the parish of Tasley). The response from Shropshire Council was 'not now'. It will be appreciated that the DCLG/LCGBC guidance on Community Governance Reviews (March 2010) includes at para 26:

"A review may need to be carried out, for example, following a major change in the population of a community or as noted earlier in this chapter (.....) to re-draw boundaries which have become anomalous, for example following new housing developments being built across existing boundaries. Principal councils should exercise their discretion, but it would be good practice for a principal council to consider conducting a review every 10-15 years – except in the case of areas with very low populations when less frequent reviews may be adequate."

4. Having been told 'not now' for a number of years the Town Council decided to initiate a review by submitting a petition in line with the appropriate legislation (*Local Government and Public Involvement in Health Act 2007*). Shropshire Council validated the petition and was obliged to conduct a CGR.
5. Once the terms of Reference for the CGR had been published by Shropshire Council, Bridgnorth Town Council prepared a detailed submission in support of the case to have the boundary changed. Bridgnorth Town Council submitted that as part of the due process, the CGR consultation.

6. In October 2019 Shropshire Council produced its draft proposals and recommendations based on responses to the Consultation – concluding that there should be no change at the moment; keeping the status quo.
7. Having considered the draft proposals (and recommendations) Bridgnorth Town Council agreed to delegate to a working group (comprising the same members who wrote the original submission) to challenge the option of keeping the status quo. The reason in the main being that the draft proposal document did not reflect the Bridgnorth Town Council submission or give any of its considered comments appropriate weight in reaching its recommendations.

DISCUSSION/ COMMENT

8. The draft proposals comment on the petition raised by Bridgnorth Town Council as well as petitions from Worfield & Rudge Parish Council. The petition raised by Bridgnorth Town Council was not raised to capture the number of people within Bridgnorth who supported a boundary change. It was submitted to force Shropshire Council to undertake a review when it had previously refused what were considered reasonable and justified requests. The Bridgnorth petition stopped at circa 750 signatures merely because that was the required threshold for the 7.5% of the electorate required by the Local Government and Public Involvement in Health Act 2007. The petition did not seek to demonstrate weight of an argument. It was a tool to enact a formal process i.e. to have a review, which is the start of the process. The consultation period between 19th July 2019 and 6th September was the appropriate period for submissions to be submitted and the opportunity for all those who might be affected to comment.
9. The Department of Communities and Local Government (DCLG) and Local Government Boundary Commission for England in their joint publication (Guidance on Community Governance Reviews) provides direction as to what might be considered material considerations in deciding whether a change of boundary would be deemed appropriate or not. In submitting its submission Bridgnorth Town Council took great care in presenting comments that were consistent with that guidance.
10. The introduction element of the Draft Proposals articulates to some extent the submissions received:
 - a. It provides a precis of both Tasley and Worfield & Rudge Parish councils' submissions (some 16 lines). There are some inaccuracies in the statements made; neither council owns or manages much property which can be used by town residents, and at no time has Bridgnorth Town Council refused anyone a burial in the town cemetery. Bridgnorth Town Council has recently stopped, on a temporary basis, pre-ordering of a burial plot, but has no problem with providing a burial plot when needed. Furthermore, the submissions from Worfield & Rudge and Tasley parish councils misrepresent the reasons for the request by Bridgnorth Town Council. The reasons are clearly articulated in para 2.6 of the Bridgnorth Town Council submission:
 - i. Better reflect the identities and interests of the whole natural community within the Bridgnorth area.
 - ii. Build a sustainable community based on strategic and visionary leadership that facilitates active and effective participation by individuals and organisations.

- iii. Establish and improve constructive relationships with organisations that monitor and have, or can have, significant influence on the economic and social development of Bridgnorth.
 - iv. Create a rational, effective, convenient and up-to-date first tier local government organisation, i.e. to establish one parish council to cover and represent the whole of the community of Bridgnorth.
 - v. Establish strong, clearly defined boundaries, tied to firm ground features, and remove the many anomalous parish boundaries that currently exist.
- b. It provides a precis of the Hobbins Management Company submission (in some 23 lines). This company has two directors who both live on the Hobbins, and provides non-negotiable services to the residents of the Hobbins in exchange for a fee. Most of these services are normally provided elsewhere by the utility companies or local authorities. Indeed it is noted that the HMC is a private company and unlike any other individual or group that has responded to the consultation; it is neither a resident nor is a democratically elected representative body of the people (unlike Worfield & Rudge and Tasley Parish Councils) yet many of its comments are summarised and Bridgnorth Town Council's are not.
 - c. The 2 non-councillor individual residents' submissions have 4 and 6 lines dedicated to represent their position.
 - d. Many of the submissions suggest that the Town Council's motives in seeking a review are purely financial, with a view to increasing revenue through Council Tax from properties which fall within the area subject to review. There is no reference in the Town Council's submission about finance.
 - e. As The Bridgnorth Town Council submission has only 2 lines dedicated to it there is no summary or consideration of the salient points of a 15 page document and its appendices that were submitted as part of the formal consultation.
11. Not one single argument raised by Bridgnorth Town Council appears to be presented in the introduction of the 'Draft Proposals' document (Section 1). It can be reasonably argued that it creates an impression that the entire submission made by Bridgnorth Town Council has been dismissed out of hand. The process appears to be flawed.
12. The representations from the Hobbins Management Company (HMC) suggests that "there is no evidence to explain why The (Bridgnorth) Town Council considers.....". That statement was obviously quite true at the time; because at that time they (HMC) would not have seen the Bridgnorth Town Council submission to your consultation (it was only sent to Shropshire Council on 2nd September). We would trust that if they had sight of our submission they might consider that at least there is merit in much of it. The submission of the petition was not the appropriate time (for Bridgnorth Town Council) to submit a detailed submission.
13. With regard specifically to the 'Draft Recommendations' element of the Shropshire Council Draft Proposals Document:
- a. Paragraph 3.2. Using the fact that the Local Plan is under review to defer a decision (on a CGR) is considered merely to be an administrative convenience to dismiss the rational argument presented by Bridgnorth Town Council. Previously it has been a position of Shropshire Council to 'wait until after the next election'. It

is likely that the Local Authority will always be able to put forward a reason not to modify parish boundaries. However, this is not considered an acceptable reason for not doing so when historical changes that are materially relevant (houses have been built) have been in existence for a considerable period, in this case over 20 years. Whilst it is acknowledged that the Local Plan Review does seek to identify additional land for development in the Bridgnorth area in the period to 2036, which it might be appropriate to include within the boundary of Bridgnorth Town, we do not feel that this necessarily frustrates the drawing of appropriate boundaries now. Likely areas for future development have already been identified through Shropshire's Strategic Land Availability Assessment (SLAA) and are generally greenfield sites; as such, drawing the boundaries to include those sites now would be unlikely to have an adverse impact on the appropriateness of the community governance arrangements so established.

- b. Paragraph 3.3 and 3.4. Recent evidence suggests to Bridgnorth Town Council that there are residents of the Hobbins that consider themselves part of Bridgnorth. For instance, in looking to respond to the Local Plan Review in January 2019, Bridgnorth Town Council held a number of workshops to gather views of local residents and businesses. When the Town Clerk did not permit a resident of the Hobbins to attend, because they were not a Bridgnorth resident, their response was enlightening (partial extract from an email):

"I find that totally unacceptable. I am a resident of Bridgnorth, as it says on my address. The plans only affect residents of the Hobbins, and you are telling me that I can't come and share my opinions. How do I make an official complaint?..... Additionally, if you could share contact details for Worfield Council that would be marvellous. Having lived on the Hobbins for [x] years I've never had anything to do with them."

- c. Paragraph 3.5. We are not sure that the comments here relate to any particular element of Bridgnorth Town Council's submission. What we did say was that a CGR could lead to Bridgnorth Town Council being able to:

"Establish and improve constructive relationships with organisations that monitor and have, or can have, significant influence on the economic and social development of Bridgnorth."

With regard to this, Shropshire Council often choose to liaise with Bridgnorth Town Council on the economic growth of the area and for planning and economic development consider "Bridgnorth" to be a much larger area than the parish of Bridgnorth. Representatives of the Apley estate *et al* recently met with Bridgnorth Town councillors to discuss their development plans. Bridgnorth Town Council employs a number of staff on full time hours, which means that it is more accessible and able to respond to community matters.

- d. Paragraph 3.6.

- i. Bridgnorth Town Council concedes that the escarpment to the East of the Town might well represent a good geographical boundary (between it and Worfield & Rudge). However, there are other geographical features which would equally well serve to mark an administrative boundary. We would ask that it be noted that the Town of Bridgnorth is already split by a far more significant natural boundary, the River Severn, and therefore that a community might easily straddle a physical boundary.

- ii. Bridgnorth Town Council notes that the recommendation acknowledges that the current boundary with Tasley “may have become anomalous.” The matter of defining a boundary here might simply be solved by adopting the same lines as the development boundary drawn on the SAM Dev Adopted Polices map for the Bridgnorth area or, by merging Bridgnorth and Tasley parishes. We note that the houses In Tasley on roads that lead off Hook Farm Road (including Abbeyfield, Fairfield, Beacons Field and Marchwood Close) are isolated from the rest of Tasley and can only be accessed only by driving through Bridgnorth. Merging the two parishes would have significant benefits such as:
 - a. Clearly defined existing parish boundaries so no need to decide and agree new boundaries.
 - b. The boundaries of an historic parish would not be changed.
 - c. All the assets and any on-going legal matters would become the responsibility of Bridgnorth Town Council, so there would likely no legal problems at the time of changeover. It has been presumed that any enlarged Council will retain the name of Bridgnorth Town Council.

14. A number of the submissions made as part of the consultation 19th July through to 6th September 2019 seek to pre-empt the Bridgnorth Town Council submission. There appears to have been no effort in the draft proposal document to refute, apply some balance to statements or verify some of those comments when they lay readily at hand to those composing the Draft Proposals document (i.e. considering the Bridgnorth Town Council submission). They [the other submissions] appear in the most parts to not appreciate the material considerations outlined in the DCLG and Boundary Commission for England guidance document.

15. A number of the submissions refer to the finance matters and cost of local council tax. We would point out that the DCLG and LGBC guidance does not suggest that levels of council tax are material considerations when considering a CGR. We did not refer to them in our submission and we in turn would not expect them to carry any weight when raised by others. However, we are of the opinion that having some equitable financial treatment of neighbours might be a reasonable outcome.

SUMMARY

16. A Community Governance Review was prompted by a petition of electors of Bridgnorth and overseen by Bridgnorth Town Council. Following which a period of consultation was held by Shropshire Council; that ended on 6th September 2019.

17. A number of submissions to the consultation were made including from: the parish councils of Worfield & Rudge and Tasley; a submission from Bridgnorth Town Council; a small number of individuals and the Hobbins Management Committee.

18. The summary of those submissions and recommendations was produced by Shropshire Council in its 'Draft proposals' document.

19. It is Bridgnorth Town Council's view that the Draft Proposals document is flawed, as it does not either consider or present the reader with the (credible) arguments put forward by Bridgnorth Town Council. It is Bridgnorth Town Council's view that any reader is likely to be unable to consider all the arguments put forward and make any objective view of those arguments.
20. We acknowledge that there are some reasonable grounds (some of which we would argue against) to consider the area of the Hobbins as not appropriate to be considered part of the 'Bridgnorth Community'. However, with regard to the western parish boundary that adjoins Tasley it is not unreasonable in our minds for an objective view to be that houses built on the edge of Bridgnorth and directly adjoining Bridgnorth housing estates are in Bridgnorth. Had the houses been constructed in the first instance towards the centre of Tasley and over time extended outwards (to eventually touch the boundary of Bridgnorth) then the case might well be seen differently; that though is not the case.
21. The submissions relating to the Tasley boundary raise concerns regarding defining a suitable boundary. Having considered those comments we are mindful to propose that the parish of Tasley in its entirety joins with and is incorporated within the town of Bridgnorth.
22. The Draft Proposals document appears to seek to present facts that support what might be considered a predetermined outcome; one that is consistent with Shropshire Council's previous refusals to conduct a CGR. It does not objectively portray the differing opinions of all the submissions made.

RECOMMENDATIONS

23. It is recommended that:

The Draft Proposals document not be considered by Shropshire Council for a decision unless it is rewritten to include a more balanced view before reaching its recommendations i.e. include the salient points provided in the Bridgnorth Town Council submission.

The members of the Shropshire Council Working Group that oversaw the Draft proposals document conduct a site visit of the area to be sure that they might more fully appreciate some of the submissions.

Representatives of Bridgnorth, Worfield & Rudge and Tasley parish councils be invited to meet with those at Shropshire Council making the recommendations to ensure that all reasonable arguments can be presented and appreciated.



Lee Jakeman
Town Clerk