

Report to: Cabinet

Date of Meeting 13 July 2022

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Exemption applied: None

Review date for release N/A



Colyford Community Governance Review

Report summary:

At its meeting in November 2021, Cabinet agreed that a Community Governance Review be undertaken following a request from the Colyford Village Residents Association. Following publication of the Terms of Reference and the first phase of consultation a decision is now required on whether to proceed to the second stage of the Community Governance Review. This report appends a summary of the various views that were received and recommends the formal publication of draft proposals.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

1. Having regard to the relevant statutory criteria and the results of the first phase of consultation that a new Parish Council be established for the area known as 'Colyford' and that this proposal be formally published with a 3 month period for representations.
2. That the proposed boundary be as set out in Appendix 3 (reflecting comments made by local residents in the consultation).
3. That the new Parish Council be known as 'Colyford Parish Council' with a membership of 7 councillors and that no warding provisions are incorporated.
4. The membership of Colyton Parish Council be reduced from 13 to 11 councillors.

Reason for recommendation:

In accordance with the provisions of Part 4 of the Local Government and Public Involvement in Health Act 2007; the principal legal framework within which councils must undertake these reviews.

Members will recall that the rationale for undertaking this review arose from a 249 signature petition which claimed that: *'The community of Colyford has thus clearly expressed their wish for a village council to be set up, and this should be given considerable weight. We have shown that Colyford has its own identity and sense of place, and that community cohesion will be enhanced by having its own village council. We have shown that a village council for Colyford will be effective and convenient, and will provide strong and accountable local government and community leadership. We therefore respectfully request that East Devon District Council exercise their powers under the Act and undertake a Community Governance Review and recommend the formation of a village council for Colyford.'*

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information:

[Agenda for Cabinet on Wednesday, 3rd November, 2021, 6.00 pm - East Devon](#)

[Local Government and Public Involvement in Health Act 2007](#)

[Communities and Local Communities - Guidance on community governance reviews March 2010](#)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Background

1. Community governance reviews are carried out under a statutory framework set out in the Local Government and Public Involvement in Health Act 2007.
2. This report follows the Council's decision to progress a Community Governance Review in relation to Colyford / Colyton following a request by the Colyford Village Residents' Association. The report to November 2021 Cabinet (see background links) provides the background and further detail in relation to the statutory framework and initial decision.
3. The first stage consultation which sought views on whether it was appropriate to establish a new parish council for the area commonly known as Colyford ran between 4th February 2022 and 4th May 2022. Information in relation to the consultation was sent to 2,776 people on the electoral register within the area of Colyton Parish Council (see **Appendix 1**). Responses could be provided by hard copy or online. Those not on the electoral register were still able to provide their comments. A number of organisations – County Council, Fire and Police authorities, schools and the Parish Council – were also written to and their comments invited.

4. There were 789 responses from electors (representing a 28% return) and 801 responses overall including 12 from persons not registered to vote. It has been possible to identify whether the respondees resided in the area (essentially requested as being designated as a new parish) of Colyford as opposed to the remainder of Colyton Parish Council. This is relevant to the assessment of the responses. Written comments were provided by four bodies / organisations, namely Colyton Grammar School, Colyton Burgesses, Colyton Parish Council and the review requesters Colyford Village Residents' Association.

Details of Stage 1 responses

5. The formal assessment of the consultation responses can be found at **Appendix 2**. The summary results are detailed below.
6. Q3 asked whether '*Colyford should have its own parish Council?*'.

787 people responded (meaning 14 didn't answer) of which 351 were from Colyford and 436 were from Colyton.

In favour:	56% overall (76% in Colyford and 40% in Colyton)
Not in favour:	44% overall (25% in Colyford and 60% in Colyton)

7. It can be seen that there is a majority of support for Colyford having its own Parish Council and that when considering the response from Colyford residents specifically this is a strong majority. The comments from the organisations / bodies who responded can be found at the end of **Appendix 2**. Colyton Grammar School support Colyford having its own Council while the Colyford Burgesses don't say as much but appear to be supporting. Colyton Parish Council appears to be against the separation explaining why the two communities are stronger as one. The full submission of Colyford Village Residents Association and related enclosures can be found at **Appendix 6**. Section 7 of **Appendix 2** contains the specific comments made as part of the consultation. The vast majority of those commenting generally express disagreement with the principle of separation but there also comments of support for the proposed change.
8. In considering the above against the statutory criteria, it does appear that the proposal reflects the identities and interests of the community in the area of Colyford. The 2 main noteworthy concerns against the creation of a new Parish Council focus on a general principle of disagreement as it isn't necessary or the current arrangements are working well and also that it is a waste of money or the potential benefit doesn't justify the spend. These can be considered to fall within the 'effective and convenient' statutory criteria. The Parish Council make similar comments in relation to finances and impact on delivery of services. The Colyford Village Residents' Association have provided a blueprint and financial plan as part of their Stage 1 response which seeks to address these concerns (see **Appendix 6**). Members would be entitled to conclude that this demonstrates that Colyford Parish Council would be effective and convenient.
9. Members should have regard to the survey responses and comments in Section 7 of **Appendix 3** and **Appendix 6** when considering the statutory criteria and determining whether to proceed with the review.
10. Q4 asked whether respondents '*agree with the boundary as shown on the map?*'. This reflected the boundary proposed by the petition organisers to represent the area of a new parish council.

740 people responded (meaning 61 didn't respond) of which 335 were from Colyford and 405 were from Colyton.

Agreed: 66% overall (81% in Colyford and 53% in Colyton)
Disagreed: 34% overall (19% in Colyford and 47% in Colyton)

11. Many of the comments in relation to this question reflected the wish that things should stay as they are. There were a number of comments about the quality of the map not being detailed enough to enable comments. Should the decision be to proceed then more detailed maps have been produced (**Appendix 3**) to be consulted on, as far as possible taking into account the more specific comments made as part of the consultation but bearing in mind the request of the Colyford Village Residents' Association and overall support for the boundary as shown. These comments can be found at **Appendix 4**. The plan at Appendix 5 shows the changes from the boundary consulted on. The yellow line is the boundary applied for / consulted on and the areas edged pink have been removed. It is hoped that this proposed boundary more reflects the concerns expressed by affected residents and addresses the statutory criteria of reflecting the identities and interests of the community in that area and of being effective and convenient. It is possible that there may need to be some further refinements to the proposed boundary not least if the properties immediately between Colyton and Colyford villages along Coly Road / Shell Lane and also those along the Old Sidmouth Road express strong views. Any comments by these properties, along with any others, can be considered following the outcome of the recommended second stage consultation.

12. It is worth just addressing one of the comments in relation to the green wedge between Colyford and Colyton. The original proposed boundary would have resulted in the green wedge falling within the administrative area of two councils. This will still happen with the new boundary (if agreed) but it is important to note that this does give any greater representative role to one council over the other. It should be noted that what is proposed already occurs in relation to the green wedge between Seaton and Colyford. It is not considered that there is anything else in the Local Plan or Neighbourhood Plan that would affect the positioning of the proposed the boundary.

13. Q5 asked that if there was a new parish council should it '*have 7 parish councillors?*'

735 people responded (meaning 66 didn't answer) of which 332 were from Colyford and 403 were from Colyton.

In favour: 60% overall (74% in Colyford and 49% in Colyton)
Not in favour: 40% overall (26% in Colyford and 51% in Colyton)

14. There were 72 people suggesting 5 councillors otherwise alternatives numbers were suggested by respondents in single figures. There is therefore clear support for 7 councillors. The numbers suggested by those commenting are included in **Appendix 2**.

15. Q6 asked whether, if there was a new parish council for Colyford, should '*the number of councillors on Colyton Parish Council...be reduced to 11?*'

733 people responded (meaning 68 didn't answer) of which 328 were from Colyford and 405 were from Colyton.

In favour: 56% overall (68% in Colyford and 47% in Colyton)
Not in favour: 44% overall (32% in Colyford and 53% in Colyton)

16. There were 117 people suggesting Colyton Parish Council should stay at 13 councillors, although it was not entirely clear whether the support for 13 was on the assumption of a new Colyford Parish Council being created or rather because there should be no change. It

is logical that some of the existing councillors would stand for Colyford and not Colyton and given the proposal to split the existing parish and the overall support (noting the very close split in Colyton itself) for reducing the number, the recommendation is to reduce the Colyton Parish Council to 11 with effect from May 2023.

17. If the decision is to continue with the review, the second stage consultation will commence as soon as reasonable practical with a view to remaining as close as possible to the timetable agreed at November 2021 Cabinet.

Financial implications:

There is no request for an additional budget if the recommendations are accepted, there will be a number of administration implications but it is assumed this will be completed within existing resources.

Legal implications:

The legal requirements for recommendations arising out of the community governance review are set out in Part 4 Chapter 3 of the 2007 Act. This includes recommendations as to what new parish or parishes (if any) should be constituted in the area under review, and its electoral arrangements. There must be recommendations as to the name of any new parish, and as to whether or not the new parish should have a parish council, and if so, its style [parish / town / community / neighbourhood / village]. The Council must have regard to guidance issued by the Secretary of State under s100 of the 2007 Act about carrying out community governance reviews and giving effect to any recommendations arising out of the review. The Council must also have regard to guidance from the Electoral Commission on electoral recommendations arising out of the review.