

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Cabinet held at Council Chamber, Blackdown House, Honiton on 5 December 2022

Attendance list at end of document

The meeting started at 5.30 pm and ended at 7.35 pm

111 Public speaking

Andrew Parr, Chair of Colyton Parish Council spoke on the vote to which the response figures were based. These were collated from a questionnaire and not a ballot or referendum with people being unaware of the financial implications. He said he had asked for a proper ballot but this had been rejected by the council. He said the results had showed conflicting evidence. He stated that the financial requests evidenced in the Vesting Statements were unreasonable and that Colyton Parish Council would be financially worse off if the split was to go ahead. He asked that there be no transfer of assets.

Alison Stenning said she thought Colyford wanted independence from Colyton but saw that they wished to use Colyton PC as a 'cash cow'. Colyford would have to pay for maintenance costs just for the play park and 3 gateways so could see no reason to the transfer assets over to them. She asked why EDDC wanted to destabilise a very long established parish in the district.

Joy Gardner said analysis of the questionnaires showed more that 71% of people of Colyford did not wish for a new parish council. She said people had thought this was just a pre questionnaire and that when the full facts were available they would get to vote on the changes. There had been no factual information and what this would entail had been sent out to residents. She said claims that Colyford had been neglected were untrue and that it was not in the interest of residents to split the parish council. This could lead to a potential rise in the cost to the parishioners' council tax in both communities.

Ken Clifford from Colyton Parish Council, said he was bewildered by the wish for Colyford to separate from the present parish council.

Colin Pady said that through consultation he had had with people, they were opposed to this proposal which had been started from a minority group from Colyford Village Residents Association (CVRA), he did not feel their views reflected majority feeling. He had a fifty yearlong connection with the village and any split would be a serious mistake and said the 2 villages were stronger together.

Julian Thompson stated democracy could be thought of as a way of governing by the will of the people. Colyford had 800 residents and was one the largest village in the district without its own parish council. He said Colyford had the people, skills and competency to operate its own parish council. CVRA steering group had delivered the petition which had led to the proposal being discussed today. He said 76% of Colyford submissions wished to have they own parish council.

Ian Priestley said the new parish council would have strong values, behaviours and benefits. The CVRA had informed all residents of the procedures and processes as they had happened. Their blueprints presented a fresh start. He said the new parish council had shared a future vision and sense of belonging, they valued diversity with strong

professional relationships with people of different backgrounds and would represent their community by working hard on its behalf. The new parish council would work closely with other councils and intended on being good friends and neighbours.

John Vieth talked on how a new parish council would work once established. He claimed that Colyton Parish Council were wealthy and as Colyford had no democratic bearing they could not access their share of the parish precepts. He said there was a strong majority to change, that the boundary made sense and that they had the right values as well as it being affordable and achievable. He said it was only fair and reasonable that the CVRA had requested sensible Vesting Statements. He claimed the relationship with Colyton Parish Council was untenable.

Andrew Wilkinson said he lived in Colyton and had known Colyford and its people all his life. He stated the whole process had been a slur against the good work and performance of the parish council. Residents cannot understand the need to break up something that works and had done for many decades. The figures in this process did not reflect the feeling of parishioners because few understood the full implications of the full consultation; the questionnaire implied a further opportunity to comment. He had no idea that should this motion go ahead, Colyton PC would have to hand over 30% of its assets; clearly having financial implication for the parish council and the people of Colyton. The motion for the split had implications far beyond discussions on boundaries. It would affect the whole parish and its finances, use off and access to its assets, governance and landownership which he was certain many people in Colyton were unaware of. He asked for the decision not to be made until greater effort to inform all people affected to the full consequences to the intended split.

112 **Declarations of interest**

None

113 **Matters of urgency**

None

114 **Confidential/exempt item(s)**

None

115 **Colyford Community Governance Review**

Following the deferment from last week's Cabinet meeting on this item, the Strategic Lead Governance & Licensing reminded members that in late 2021, Cabinet and Council agreed that a Community Governance Review be undertaken following a request from the Colyford Village Residents' Association. In July 2022 Cabinet agreed to the principle of a new parish being created and draft proposals were formally published. The second statutory period of consultation expired on the 22nd November 2022 and this report now recommends alternative decisions for the Cabinet and Council to consider. He reiterated some of the responses from the consultation with 56% of respondents in favour to the establishment of a new parish council in Colyford.

Discussions included the following:

- 2 communities were stronger together

- This had not been discussed fully with the residents of both villages
- Any under investment in Colyford was not down to Colyton Parish Council
- People could not be fully informed when filling out the questionnaire as the boundary review had not taken place at this time
- It was not fair to say that Colyton Parish Council was wealthy
- This would have huge effects on Colyton Parish Council's finances and the expenses involved in maintaining its assets
- People should be allowed to vote on this as this was not democratic on the lack of information on the questionnaire
- This was an accepted part of political life now with localism and general devolution – this was a micro version of what was happening nationally
- Colyford was now of a size so as to determine its own future
- The initial consultation was quite telling with the figures speaking for themselves for reorganisation
- Parish Councils exist to serve its parishioners, there should be a spirit of cooperation and working together.

RECOMMENDED to Council to;

establish a new Parish Council for the area known as 'Colyford' and;

- That the boundary be as detailed in Appendix I and paragraph 17
- That the new Parish Council be known as 'Colyford Parish Council'
- That the Membership will comprise of 7 councillors
- That no warding provisions are incorporated in the Parish Council
- That the membership of Colyton Parish Council be reduced from 13 to 11 councillors
- That these recommendations are duly published and the appropriate Order made with delegated authority given to the Chief Executive to incorporate all necessary provisions into the Order and to make any supplementary arrangements as may be necessary. In order to facilitate this Members considered the Vesting Statements provided by the Colyford Village Residents' Association and comments from the Colyton Parish Council and give a view on the acceptability of what is requested. Members agreed;
 - VS1 – land at Stafford Common (shown hatched green on Appendix I) be transferred to the new Colyford Parish Council but otherwise the request be denied
 - VS2 – if the play equipment (and any land interest) is vested in Colyton Parish Council then this should be transferred to the new Colyford Parish Council
 - VS3 – responsibility for the parish gateways be transferred to the new Colyford Parish Council
 - VS4 – the £10,000 held by Colyton Parish Council and ring-fenced for road safety projects in in Colyford be transferred to the new Colyford Parish Council and for it to be similar ring-fenced if possible
 - VS5 – request be denied
 - VS6 – review whether there are any CIL receipts for 2021/22 and 2022/23 within the proposed boundary and if legally permissible seek a transfer of those funds to the new Colyford Parish Council but otherwise the request be denied
 - VS7 – request be denied
- That it be noted the Parish Council will come into formal legal effect on the 1st April 2023 and the first elections will be held in May 2023.
- Agree a budget of £12,350 + VAT to pay Capita to implement the changes to the Council Tax system.

REASON:

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.'

Cabinet considered the outcome of the first stage statutory consultation exercise at its meeting of 13th July 2022 and agreed, on the basis of the guidance and consultation responses, to publish draft proposals for consideration. This report reviews the second stage statutory consultation responses and presents options for Cabinet and Council to consider as to how to conclude the community governance review.

Attendance List

Councillors present:

P Hayward (Vice-Chair)
M Rixson
J Rowland
J Loudoun
S Jackson

Councillors also present (for some or all the meeting)

A Moulding
H Parr

Officers in attendance:

Amanda Coombes, Democratic Services Officer
Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)

Councillor apologies:

P Arnott
G Jung
D Ledger
N Hookway

Chair

Date: