

**Teignbridge District Council
Full Council 30 July 2024
Part i**

Report Title

Community Governance Review - Dunchideock

Purpose of Report

To seek determination of a request to abolish the Dunchideock Parish Council

Recommendation

That Dunchideock Parish Council be retained in its present form.

Financial Implications

There are no financial implications per se arising from this decision.

Martin Flitcroft
Head of Corporate Services & Chief Finance Officer
Email: martin.flitcroft@teignbridge.gov.uk

Legal Implications

Community Governance Reviews provide an opportunity for the District Council to review and make changes to community governance within its area. The process for conducting Community Governance Reviews is contained in the Local Government and Public Involvement in Health Act 2007. Chapter 3 Part 4 of the 2007 Act devolves the power to take decisions about parish matters and electoral arrangements to local government and local communities in England.

Paul Woodhead, Head of Legal Services and Monitoring Officer
Email: paul.woodhead@teignbridge.gov.uk

Risk Assessment

There are no significant risks arising from this report.

Martin Flitcroft
Head of Corporate Services & Chief Finance Officer
Email: martin.flitcroft@teignbridge.gov.uk

Environmental/Climate Change Implications

None

Paul Woodhead, Head of Legal Services and Monitoring Officer
Email: paul.woodhead@teignbridge.gov.uk

Report Author

Paul Woodhead Head of Legal Services and Monitoring Officer
Email: paul.woodhead@teignbridge.gov.uk

Executive Member

Executive Member for Corporate Services

Appendices/Background Papers

Community Governance Review

[Community Governance Review for the Parish of Dunchideock - Teignbridge District Council](#)

Terms of Reference

[Community Governance Review for the Parish of Dunchideock - Terms of Reference - Teignbridge District Council](#)

The identities and interests of local communities

[Community Governance Review for the Parish of Dunchideock - The identities and interests of local communities - Teignbridge District Council](#)

Give us your views

[Community Governance Review for the Parish of Dunchideock - Please give us your views - Teignbridge District Council](#)

1. Introduction/Background

1.1 On 15 August 2023 Teignbridge District Council received a petition asking it to conduct a Community Governance Review (CGR). It requested that;

“That Teignbridge District Council should commence a Community Governance Review to consider whether Dunchideock Parish Council should be abolished and replaced with an informal community forum”.

1.2 The petition was supported by a petitioners' statement, as follows:

“We are strongly of the view that community cohesion and effective community action would be best served by the formal abolition of the parish council and its replacement with an informal community forum”.

- 1.3 On the date the petition was submitted there were 212 electors on the Dunchideock parish register and the petition was signed by over 50%. Consequently, the District Council was obliged to undertake a Community Governance Review (CGR).
- 1.4 When conducting a CGR, the Council is required to have regard to guidance issued by the Secretary of State and the Local Government Boundary Commission for England (LGBCE). In order to dissolve an existing parish council, the principal council (Teignbridge) must provide evidence that this is in response to *“justified, clear and sustained local support”* from the area’s inhabitants. The guidance the Council is obliged to take account of, issued by the Department for Communities and Local Government with the Boundary Commission for England, states:

“ the government expects to see a trend in the creation of parishes and parish councils, rather than their abolition, and believes it is doubtful that the abolition of a parish council could be justified as the most appropriate course of action in response to a particular contentious issue in the area”.

- 1.5 The government did conclude that there may be circumstances where abolition may be the most appropriate way forward, but this must be evidenced by the principal council as being justified. For example, the principal council needs to find evidence that there is clear and sustained local support for such action. A factor taken into account by the government in deciding abolition cases before responsibility for this was handed to principal councils, was that local support for abolition needed to have been demonstrated over at least a period equivalent to two terms of office of the parish councillors (i.e. eight years), and that such support was sufficiently informed.
- 1.6 Before commencement of the CGR each household within the parish received a letter notifying them that the CGR would be taking place and it actively encouraged as many residents as possible to respond. The CGR commenced on 16 October 2023 with publication of the Terms of Reference. The initial consultation period was open from 19 October 2023 to 15 December 2023.

- 1.7 During this initial consultation period only 15 comments were validly submitted by residents, representing just 7% of the electorate. In addition to those comments, responses were also received from Dunchideock Parish Council, the Dunchideock Village Hall Committee, 3 councillors at district and county level and 2 neighbouring parish councils.
- 1.8 Of the responses received from residents, 3 were in favour of retaining the parish council and 12 in favour of abolishing it. Dunchideock Parish Council, Dunchideock Village Hall Committee and 2 councillors were in favour of abolishing the parish council. The 2 neighbouring parish councils stated that they did not wish to pursue any consideration of working with Dunchideock Parish Council.
- 1.9 Despite the information sent to households expressly stating that some form of formal governance would need to be retained in Dunchideock, i.e. either a parish council or parish meeting, a number of residents in favour of abolishing the parish council only referred to replacing it with an informal forum or WhatsApp group. A number of those in favour of abolishing the parish council also referred to this being because of divisive characters, cost, volatile and chaotic history, spurious Freedom of Information requests and complaints, and increasing difficulty finding candidates willing to stand for the parish council. A number of these respondents expressed a belief that the community had worked well together during the period the parish council had no members and so had proved a parish council is not necessary.
- 1.10 Reasons given in support of abolishing the parish council are summarised as follows:
 - it is too expensive
 - past councillors were ground down by vexatious complaints
 - it is too admin heavy with too much red tape
 - divisive characters have rendered it inert and burdensome
 - the village functioned and got things done when it had no members
 - decisions take an age to be actioned
 - the formality of parish council meetings does not allow residents to take part
 - the powers of a parish council are very limited
 - concern that members of the parish council were not elected

- lack of interest in standing for the parish council

1.11 Of those who responded in favour of retaining the parish council, the overwhelming concern was that of secrecy surrounding who initiated the CGR petition. There is concern that the organiser did not publicly identify themselves and a leaflet written in support of abolishing the parish council which was circulated as part of the Dunchideock and Shillingford parish news booklet (Country News) did not include the name of the author. Therefore, concern has been expressed that a community group or forum could act in the same way, with no accountability. It has been stated that the WhatsApp village chat group is not open to everyone and only includes around 50 people. An acquaintance of a respondent requested membership which they say was denied. There is a belief that the group is not advertised. A resident expressed concern that the Parish Council's response to support abolishing the parish council had been written before the vote was taken and that there was very little opportunity for members of the public to comment at the meeting.

1.12 Reasons given in support of retaining the parish council are summarised as follows:

- no evidence to support that abolition of the parish council has long standing support.
- organiser of petition and request to abolish the parish council is not identified.
- membership of the WhatsApp group may not be open to all.
- a number of current parish councillors only joined it to abolish it
- the precept is accountable and applies to all households.
- democracy is important.
- issues such as footpaths, potholes, applying for grant aid, filling grit bins and planning matters can all be influenced by a parish council.
- planning matters were ignored when the parish council had no members.
- concern over a perceived wish to conduct parish matters without openness, transparency and accountability.

1.13 The draft recommendations were published. The second consultation period followed and ran from 27 February 2024, until 30 April 2024. On 27 February, the Council received one enquiry asking how to comment on the draft

recommendations, but this was not followed up by a submission. Indeed, no comments were received at all concerning the draft recommendations, until an article concerning the CGR appeared in the Mid Devon Advertiser published towards the end of April. Following publication of the article, the Council received 69 emails between 24 April, and 30 April 2024. Of these 65 expressed the view that Dunchideock Parish Council should be abolished and 4 expressed the view that it should continue.

1.14 The reasons given for abolishing the parish council remained the same as those received during the initial consultation. Many of the comments once again included reference to running the parish via an informal forum and/or WhatsApp group. Although there was some support for becoming a parish meeting, it was more by way of *“if we have to have some form of formal governance then a parish meeting would be preferable to a parish council”*. The rationale for wanting a parish meeting instead of a parish council was as follows:

- the parish is too small to sustain a parish council
- the parish council spends too much time following process and adds no value to the community
- cost – the precept is too high
- disruptive/toxic villagers frustrate the democratic process
- belief that a parish meeting would be more democratic than a parish council
- we do not need structure to meetings

1.15 Disappointment was expressed that the District Council had seemingly ignored the will of the petitioners and was adhering too strictly to government guidelines instead of applying common sense.

Conclusion

1.16 Prior to 2021, there was no suggestion that Dunchideock residents lacked interest in standing for the parish council. In fact, historically, a number of elections have been contested including by-elections. There is clear evidence even now that residents wish to be involved in parish decision making and taking action to ensure parish needs are met. However, concern has been raised by some residents that those who wish to be involved do not want to formally represent the parish or have accountability to it.

- 1.17 The suggestion to abolish the parish council was only raised with the District Council during the summer of 2023. This followed two sets of uncontested elections. The Council received complaints from residents who said they would have stood had they known the election was taking place. This certainly does not support the requirement to show that local support for abolition has been demonstrated over a period of at least two terms of office. It is believed that the election may not have been sufficiently publicised within the parish due to the lack of a functioning parish council at that time.
- 1.18 Having considered why a petition requesting abolition of the parish council was submitted. It is overwhelmingly apparent that the reason stated relates to contention within the parish. Therefore, seeking abolition of the parish council in response to a contentious issue within the parish does not meet the requirement for abolition to be justified as the most appropriate course of action. Moreover, if Dunchideock became a parish meeting, it would be unlikely that there would be less contention. It is believed that the particular challenges faced by and facing the parish council would not go away and would likely be no less contentious for a parish meeting to deal with.
- 1.19 It is apparent from the responses there is little or no desire to de-parish the area, or to seek to merge or combine with a neighbouring parish or parishes.
- 1.20 As the overall response from residents to the initial consultation was 1.4% in favour of retaining the parish council and 5.6% in favour of abolishing the parish council (one additional response from a resident supporting abolition of the parish council was received, but this was submitted anonymously so is not included in the figures). The level of response is considered to insufficient to suggest majority support for abolishing the parish council, as 93% did not give any view.
- 1.21 Having considered the relevant statutory provisions, guidance, the level of responses and all comments submitted, the recommendation is to retain Dunchideock Parish Council in its present form.

