

# LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

## The Colyford (Reorganisation of Community Governance) Order 2023

*Made 11 January 2023*

*Coming into force in accordance with article 1(2)*

East Devon District Council (“the council”), in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”), has undertaken a community governance review and made recommendations dated December 2022:

The council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section:

The council makes the following Order in exercise of the powers conferred by sections 86, 98 and 240(10) of the 2007 Act.

### **Citation and commencement**

- 1.— (1) This Order may be cited as the Colyford (Reorganisation of Community Governance) Order 2022.
- (2) Subject to paragraphs (3) and (4) below it shall come into force on the 1<sup>st</sup> April 2023.
- (3) Articles 8 and 10 shall come into force on the ordinary day of election of councillors in 2023
- (4) For the purposes of:
  - (a) this article;
  - (b) article 5; and
  - (c) proceedings preliminary or relating to the election of parish councillors for the parishes of Colyford and Colyton to be held on the ordinary day of election of councillors in 2023,this Order shall come into force on the day after that on which it is made.

### **Interpretation**

#### **2. In this Order—**

“district” means the district of East Devon;

“existing” means existing on the date this Order is made;



“map” means the map marked ‘Colyford Parish Council - administrative boundary’ appended to this Order and deposited in accordance with section 96(4) of the 2007 Act;

“new parish” means the parish constituted by article 4;

“ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983; and

“registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of People Act 1983.

### **Effect of Order**

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the 2007 Act relevant to any provision of this Order.

### **Constitution of a new parish**

4. — (1) A new parish, comprising the area edged with a red line on the map, shall be constituted within district.  
(2) The name of the new parish shall be Colyford.  
(3) In consequence of paragraph (1) of this article, the area of the new parish shall cease to be a part of the existing parish of Colyton.

### **Calculation of budget requirement**

5. For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008 there is specified in relation to the parish of Colyford the sum of Eighteen Thousand Seven Hundred and Seventy Pounds (£18,770).

### **Parish Council for the parish of Colyford**

6. — (1) There shall be a parish council for the parish of Colyford.  
(2) The name of that Council shall be Colyford Parish Council.

### **Elections for the parish of Colyford**

7. The election of all parish councillors for the parish of Colyford shall be held on the ordinary day of elections in 2023.

### **Number of parish councillors for the parish of Colyford**

8. The number of councillors to be elected for the parish of Colyford shall be 7.

### **Annual Meeting**

9. The annual meeting of the new parish council in 2023 shall be convened by the council and shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

### **Alteration to the number of parish councillors for the parish of Colyton**

10. The number of councillors to be elected for the parish of Colyton shall reduce from 13 to 11.

### **Electoral Register**

11. The registration officer for the district shall make such rearrangement of, or adaption of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.



**Transfer of property, rights and liabilities**

12. The land, assets, rights and liabilities described in Column 1 of Schedules 1, 2 and 3 shall transfer from Colyton Parish Council to Colyford Parish Council on the date specified in Column 2 of those Schedules.

**Transitional provision**

13. Until the councillors elected to the council of the new parish of Colyford at the elections to be held on the ordinary day of election of councillors in 2023 come into office, the new parish shall be represented by those persons who immediately before the 1<sup>st</sup> April 2023 are the elected councillors for the district ward of Coly Valley.

**Order date**

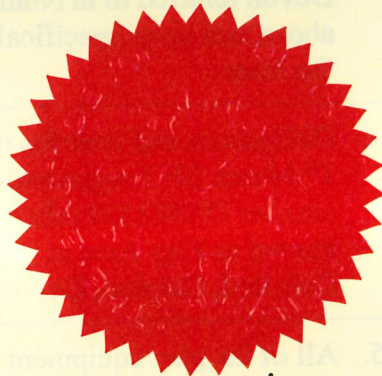
14. 1st April 2023 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

DATED the 11 day of JANUARY 2023

THE COMMON SEAL OF

EAST DEVON DISTRICT COUNCIL

Was hereunto affixed in the presence of:



20504

Authorised Officer

Full name:

~~Chief Executive~~ / Director of Governance & Licensing / ~~Principal Solicitor~~



### SCHEDULE 1

#### LAND AND ASSETS TO BE TRANSFERRED

Column 1	Column 2
1. The freehold interest of land at Stafford Common, Colyton, Devon registered under title number DN452576	On the date of the first annual meeting of the new parish council held in accordance with article 9
2. The freehold interest of land at Stafford Common, Colyton, Devon identified under title number DN437704 which details a caution against first registration	On the date of the first annual meeting of the new parish council held in accordance with article 9
3. Obligations and benefits of a lease dated 29 <sup>th</sup> September 2020 between Colyford Parish Council and Thomas Reed relating to the land at Stafford Common, Colyton, Devon referred to in Numbers 1 & 2 above and more specifically detailed in the lease	On the date of the first annual meeting of the new parish council held in accordance with article 9
4. Obligations and benefits of a lease dated 1 <sup>st</sup> March 2017 registered under title number DN683328 relating to land known as Play Area at Whitwell Lane, Colyford, Colyton, Devon	On the date of the first annual meeting of the new parish council held in accordance with article 9
5. All of the play equipment situated on the land at Whitwell Lane, Colyford, Colyton, Devon referred to in Number 4 above.	On the date of the first annual meeting of the new parish council held in accordance with article 9

### SCHEDULE 2

#### FUNDS AND BALANCES TO BE TRANSFERRED

Column 1	Column 2
The sum of £10,000 (ten thousand pounds) held by Colyton Parish Council at the time of the making of this Order for spend on highway safety projects in Colyford	On the date of the first annual meeting of the new parish council held in accordance with article 9
The sum of £1202 (One Thousand Two Hundred and Two pounds) held by Colyton Parish Council at the time of the making of this Order paid to it as advance rental income by the tenant under the terms of the lease referred to in Number 3 of Column 1 of Schedule 1.	On the date of the first annual meeting of the new parish council held in accordance with article 9



### SCHEDULE 3

#### MAINTENANCE RESPONSIBILITIES TO BE TRANSFERRED

Column 1	Column 2
<p>The three Colyford village gateway signs located on the A3052. These are located as follows;</p> <ol style="list-style-type: none"><li>(1) One to the West of the village on the North of the A3052 adjacent to the entrance of Gully Shoot.</li><li>(2) Two to the East of the Village, on the North and South side of the A3052 located midway between the Western Electric substation and River Axe bridge.</li></ol>	<p>On the date of the first annual meeting of the new parish council held in accordance with article 9</p>