

Local Government  
Boundary Commission  
For England  
Report No. 593

Parish Review

BOROUGH OF TORBAY

THE RT HON CHRIS PATTEN MP, SECRETARY OF STATE FOR THE ENVIRONMENT  
BOROUGH OF TORBAY IN THE COUNTY OF DEVON  
PARTIAL PARISH REVIEW  
COMMISSION'S FINAL REPORT AND PROPOSALS

**INTRODUCTION**

1. On 29 November 1988 Torbay Borough Council submitted to us a report of a partial review of its borough, which is currently unparished, in accordance with Section 48(8) of the Local Government Act 1972. The purpose of the review was to decide whether or not to recommend the creation of a parish for Brixham. The report, a copy of which is enclosed, recommended that Brixham should remain unparished.

2. We considered the Borough Council's report in accordance with the requirements of Section 48(9) of the 1972 Act, along with correspondence received by the Borough Council prior to the submission of the report, and the representations made to the Commission after the report's publication. The latter are listed in the attached Schedule and copies are enclosed. While we were satisfied that the review was carried out in accordance with the requirements of Sections 48 and 60 of the 1972 Act, we considered that there was sufficiently strong evidence for a proposal to parish Brixham to be more widely canvassed. We considered that a local meeting should be conducted for the purpose of deciding whether or not to undertake our own review under Section 48(9) of the 1972 Act.

3. A local meeting was held by two of our Members on 4 October 1989 and attended by some 250 people. We considered a report of that meeting and concluded there was sufficient evidence of local support for a parish for us to launch our own review and at the same time to publish draft proposals to establish a parish at Brixham.

#### **PUBLICATION OF OUR DRAFT PROPOSALS**

4. Our draft proposals were published on 30 January 1990 in a letter to the Chief Executive of Torbay Borough Council, of which copies were sent to all those who had made representations to us and all those who had attended the local meeting and had registered their address. A copy of the letter is enclosed. The Borough Council was asked to arrange for the publication of a notice giving details of our draft proposals and to post copies of it at places where public notices are customarily displayed. The Borough Council was also asked to place copies of our draft proposals letter on deposit for inspection at its main offices for a period of eight weeks. Comments on our draft proposals were invited by 30 March 1990 but this deadline was subsequently extended to 31 May 1990 at the request of the Borough Council in order that the result of a postal ballot on the issue could be taken into account.

#### **RESPONSE TO OUR DRAFT PROPOSALS**

5. In response to our draft proposals we received representations from Torbay Borough Council, Devon County Council, the Brixham Labour Party, and 71 private individuals. Copies of their representations are enclosed. We noted that most of the submissions supported our draft proposals. A number of the comments expressed dissatisfaction, both with the services provided by the Borough Council and with its promotion of projects such as the English Riviera Centre. Several other representations advocated the re-creation of the former Brixham Urban District Council, or the transfer of Brixham to the district of South Hams.

6. Both Torbay Borough Council and Devon County Council opposed our draft proposals on the basis that the creation of a parish council would lead to duplication of effort in the provision of local services. The Borough Council took the view that a further public consultation exercise was required to gauge the true degree

of local support for a parish. The Borough Council had turned down a request for a referendum on the issue when carrying out its own review but after the publication of our draft proposals decided to conduct a postal referendum, covering all electors resident in Brixham, between 3 and 19 April 1990. 7059 people (54.4% of the electorate) returned ballot papers. 3236 favoured the creation of a parish, while 3829 opposed it. Thus, there was a majority of 587 (8.3% of those who responded) against the creation of a parish for Brixham.

7. We noted that a number of the submissions supporting our draft proposals expressed concern that the result of the referendum had been unfairly influenced by the Borough Council's estimate of the additional cost that would fall on community charge payers in Brixham if a parish council were to be established. We consulted the National Association of Local Councils on this issue and concluded that, while the question of cost may have influenced the outcome of the referendum, the Borough Council's estimate of an additional £7 per elector per year was not out of line with other parishes of comparable size in England.

#### **OUR CONCLUSION AND FINAL PROPOSALS**

8. We accept that many residents of Brixham value the local identity and close-knit sense of community within the town. It is also clear that a number of residents feel that Brixham's interests have not been accorded sufficient attention or resources by the Borough Council and that amongst some people there is even a desire for Brixham either to become a separate district or to transfer to the district of South Hams. However the fact remains that a referendum of all the electorate of Brixham produced a clear majority against the establishment of a parish there.

9. Having considered all the evidence now available, we have concluded that it would not be appropriate at this time to recommend that a parish should be established for Brixham. In

reaching this conclusion, we reaffirm our view that the results of polls, surveys, or referenda, whilst important, form only a part of the evidence before us which we must evaluate and that such results are not necessarily conclusive. In the case of Brixham, however, taken together with all the other evidence, the result of the referendum tilts the balance against establishing a parish for Brixham.

10. We have therefore decided to withdraw our draft proposals for the establishment of a parish and to make no proposals for changes to existing arrangements. We have no doubt, however, that the Borough Council will take note of the views expressed by Brixham residents during the review about the allocation of resources.

#### **PUBLICATION**

11. A separate letter is being sent, with copies of this report but without enclosures, to Torbay Borough Council asking them, in accordance with Section 60(5)(b) of the Local Government Act 1972, to place a copy on deposit at its main office, together with a copy of its partial parish review report and a copy of our draft proposals and to put notices to this effect on public notice boards and in the local press. Copies of this report have also been sent to Devon County Council, Mr Rupert Allason MP, Mr Anthony Steen MP, the headquarters of the main political parties, and to all persons or bodies who made representations to us at any stage of the review.

Signed

G J ELLERTON (Chairman)

J G POWELL (Deputy Chairman)

K F J ENNALS

G R PRENTICE

HELEN SARKANY

K YOUNG

S T GARRISH

Secretary

27 September 1990

SCHEDULE

REPRESENTATIONS RECEIVED BY THE COMMISSION AFTER PUBLICATION OF  
TORBAY BOROUGH COUNCIL'S PARTIAL PARISH REVIEW REPORT

29 private individuals

REPRESENTATIONS RECEIVED BY THE COMMISSION AFTER PUBLICATION OF  
ITS DRAFT PROPOSALS

Torbay Borough Council

Devon County Council

Brixham Amenity Society and Residents Association

Brixham Labour Party

71 private individuals

