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News Service

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APPEAL COURT AWARDS EDDC COSTS IN BATTLE WITH BOUNDARY COMMITTEE

Three Judges back East Devon in unitary row

EAST DEVON District Council has won the backing of three eminent Appeal Court Judges for its contention that the process followed by the Boundary Committee in proposing to scrap the existing shape of local government in Devon was seriously flawed.

Today (Wednesday 25 March), the Council heard that the Appeal Court supported most of its grounds for appeal against a previous Judicial Review heard in the High Court before Christmas – although the Judges stopped short of calling for the whole process to start again from scratch.

Even better news for EDDC is that the Boundary Committee must pay its own costs for both the December and February hearings AND one-third of the appellants' costs for both hearings. This is because the Court felt that the "balance of success" lies with the appellants and shows how strong the cases brought by East Devon and several Norfolk councils were deemed to be. It also significantly reduces EDDC's bill for fighting the Unitary Devon proposals.

Commenting on the outcome today, Councillor Sara Randall Johnson, Leader of EDDC, said: "This judgement is a further vindication of our decision to challenge the Boundary Committee because we felt they were not handling this important process in the right way.

Not broken

"We happen to believe that local government in Devon is not broken and doesn't need fixing. But if the Government is hell-bent on destroying it, we will do our damndest to ensure they come up with the best possible alternative – and do it fairly".

In a 62-page Judgement*, the three Appeal Court Judges, led by Sir Anthony May, President of the Queen's Bench Division, say the Boundary Committee:

- Did not consult widely enough on the proposal for a single unitary council for Devon
- Did not give the public clear information about the option of maintaining the status quo
- Gave no proper summary of the financial risks attached to the changes

In the conclusion to their Judgement, the Judges state: “We say nothing about whether the Boundary Committee will succeed in concluding the [assessment] process for Norfolk and Devon lawfully. That is all in the future...

“It will be clear from this judgement that two of the main matters which need to be addressed are:

- a) Consideration of further possible alternative proposals, with proper consultation if any of them is to be recommended as an alternative proposal
- b) Adequate time for local authorities and the public to make representations on the affordability of the existing alternative proposals after appropriate publication of financial information in a sufficiently digestible form”.

Commenting on the last-minute intervention by lawyers for Devon County Council claiming that the Boundary Committee had been right all along, the Appeal Judges said: “[East Devon] have duly established that the Boundary Committee were proceeding under a mistake of law and, apparently, carried all parties except Devon County Council with them”.

Farce

Miss Randall Johnson believes the Boundary Committee are still behaving inconsistently. She said: “The Boundary Committee rushed into print last week with their latest set of proposals – which now give the single Devon Unitary and the Greater Exeter / Rural Devon alternatives equal status. They did so knowing that the Appeal Court was about to rule.

“By failing to wait and putting forward proposals that don’t take account of this latest judgement, their current ideas are at risk of being challenged on the grounds that they too are flawed. Our lawyers are currently looking at this.

“Meanwhile, the public consultation process, which runs from March until 15 July, slices right through the Devon County Council elections. The Boundary Committee is part of the Electoral Commission. How improper is it for a body entrusted with the good conduct of elections to consult on a very contentious matter right through the formal county election process? Two to three weeks of that period is when candidates are legally prohibited from commenting on such matters under a rule called ‘purdah’. What was already a laughable process is fast turning into a Whitehall farce”.

Reminding residents of East Devon that the Boundary Committee has already announced a new set of proposals, Miss Randall Johnson added: “Once people have digested the financial implications of the latest proposals, I would urge them to write – even if they wrote previously – to the Boundary Committee giving their views” **.

Ends

NOTES TO EDITORS

* The story of the Unitary debate in Devon can be followed online at:
http://www.eastdevon.gov.uk/unitary_latest_news.htm

** It's vital that you make your views known. Please follow the link below to learn more:

http://www.eastdevon.gov.uk/communications_and_consultation.htm?newsid=198

Anyone wishing to comment on the proposals can still do so by writing to Max Caller, Chairman of the Boundary Committee at: www.electoralcommission.org.uk/boundary-reviews

Or email Hazel Blears, Secretary of State at the DCLG, at: blearsh@parliament.uk

For more information please contact:

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