

Response to Whitstable Town Council Community Governance Review Phase 1 Report

Motivation for the petition

The petition arose from a profound feeling within the CT5 Forum's Trustees and members, taking their signals from their deep connections within local political parties and community voluntary organisations that:

- a. There has been a consistent inability of all higher councils including Canterbury City Council (CCC), as well as other governance bodies, to invest back into Whitstable, funds that are paid in by residents of the community. We feel in other words there is a material economic and resource deficit. Residents pay for services and they do not get them;
- b. There is additionally a democratic deficit, as the District Council has a long record of favouring services in Canterbury over the needs of the CT5 community, and this democratic deficit involves using funds generated within CT5 for the benefit of other areas of the District. So democratic shortfalls generate economic shortfalls;
- c. This is not just the case with CCC. The main recipient of council tax is KCC. In the provision and care of roads, Whitstable has barely seen a new road paved in a decade. Its roads are potholed, unsafe and shabby. Funds sent to KCC are certainly not being spent on Whitstable's roads. All of the significant schools are in Canterbury. Our youth has to be transported across the pockmarked roads and back or get on the train to Faversham to be educated. Residents pay equally, the funds do not get spent here. The community pays over £2m per annum for police services. That certainly is not spent in CT5. It has no permanent police presence. That is in Canterbury again. Mercifully we have a fire station and see where that precept gets spent;
- d. As for CCC quite clearly the transport hub and associated investment goes to Canterbury. The last council regime anticipated almost all of the CIL and S106 funds from a significant district wide housing programme to be dedicated to building roads around Canterbury and to manage travel, again within that community. Our streets are shabby and the pavements ill-maintained. Our paths are overrun by weeds. Our citizens are paying principal and interest for the acquisition of one Canterbury shopping centre and the construction of another. No such resources have been dedicated here. Our funds support a theatre in Canterbury – ours has had to resort to the kindness of volunteers. We do not possess a single cinema; Canterbury has a new one in the aforementioned new shopping centre. Housing and planning use our green spaces to provide unwanted developments and the CIL and developer payments do not stay here but are moved elsewhere in transactions the local residents cannot influence – so residents bear the cost of traffic and urban blight on greenfield sites and the price is paid to others. The children of citizens have been priced out of their own community and neither CCC housing planning nor social housing policy corrects the problem. Residents have seen the retreat of the council from every activity in the town. Our public arts and community spaces have been abandoned to voluntarism and to

fend for themselves. There is no tourism promotion. There is no support for local business groupings. Our Christmas lights are a sad string of bulbs. We are at the mercy of the bus companies to transport our young and old and economically disadvantaged to the doctor or around town. We have no dedicated transport that we as citizens can control. There is no support for local festivals or voluntary organisations that underpin the social and cultural life of the town or the foodbanks that support those in need. A review of the £685,000 spent directly by CCC on grants and community support in 2023 shows only £110 paid to organisations in CT5 (Duncan Down). There are many worthy payments there, including £78,000 paid to the 27 parish councils that serve 44,000 of CCC's citizens. Nothing however came here. Even our local assets such as the harbour are managed as fiefdoms of CCC councillors and not directly by the community itself.

So at the heart of a desire for the town council is a desire to generate local resources to provide the local community with exactly the list of items enumerated above; well-lit and safe streets, well maintained public spaces, funded community buildings, support for the marginalised and vulnerable, support for community, business and sports and youth organisations, support for festivals and tourism promotion. There is no absence of fora to discuss matters. The community wants funding and for its resources to generate benefit here and not always elsewhere.

The 2007 Local Government and Public Involvement in Health Act

Community Governance Reviews in their current form were established following the White Paper "Strong and Prosperous Communities" passed by the Blair Government in 2007 in the above-mentioned Act. It still forms a key plank of Labour policy. That document in its introduction by the then Prime Minister stated:

"Local government is a vital part of our democracy. The vast majority of interactions between citizens and the state take place through local government. It provides leadership for local areas and communities; democratic accountability for a wide range of public services; and is the key to effective partnership working at local level.

It is therefore essential for us to do everything we can to help local government do its job. The purpose of this White Paper is to enable local government to step up to this role, and to enable communities to have a say in the issues that matter most to them."

The document and then the law sought to promote devolution of power to the lowest level feasible and give local people power over the use of their money and matters that influence their lives. We echo its sentiments:

"Citizens and communities want a bigger say in the services they receive and in shaping the places where they live" ...We "want all councils to "manage services at the level of the neighbourhood".... "Parish councils are an established and valued form of neighbourhood democracy"... "We propose to build on the existing parish structure, so as to improve its capacity to deliver better services and represent the community's interests."

The 2007 Act details the powers of councils with regard to approving council changes in section 93 which is as follows:

93 Duties when undertaking a review

- (1) The principal council must comply with the duties in this section when undertaking a community governance review.
- (2) But, subject to those duties, it is for the principal council to decide how to undertake the review.
- (3) The principal council must consult the following—
 - (a) the local government electors for the area under review;
 - (b) any other person or body (including a local authority) which appears to the principal council to have an interest in the review.
- (4) The principal council must have regard to the need to secure that community governance within the area under review—
 - (a) reflects the identities and interests of the community in that area, and
 - (b) is effective and convenient.
- (5) In deciding what recommendations to make, the principal council must take into account any other arrangements (apart from those relating to parishes and their institutions)—
 - (a) that have already been made, or
 - (b) that could be made, for the purposes of community representation or community engagement in respect of the area under review.
- (6) The principal council must take into account any representations received in connection with the review.
- (7) As soon as practicable after making any recommendations, the principal council must—
 - (a) publish the recommendations; and
 - (b) take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.
- (8) The principal council must conclude the review within the period of 12 months starting with the day on which the council receives the community governance petition or community governance application.

The only two statutory conditions that apply to the council review are that the request must reflect the identities and interests of the community and that it should be effective and convenient. Councils are obliged in the guidance to be in favour of parishing and delegating powers downwards. The Act sets a high bar for rejecting a valid petition. District Councils do not get to choose to delegate powers. Their function is to do that unless a compelling reason is presented not to.

It should be noted that neither the Act (or the White Paper) imposes any financial standards concerning the scope or economic viability of councils. It does not dictate the

governance or opine on whether a council should or should not have employees or the scope of Parish Council activities. In reverse, it liberates such councils, in areas of their authority from some of the controls and limitations that apply to District Councils. It will be shown below that the Report prepared by the working group used multiple arguments concerning financial viability or the likely scope of a CT5 or smaller council's activities to support a rejection of the petitions aims in a manner entirely unsupported by any words in the Act.

The Act also makes no provisions concerning local council size. It specifically talks of very small levels of community governance as low as 50 people (which presumably sets the hurdle for "effectiveness" and "convenience" at that level). It will be shown later that the Council's report specifically uses the size of a potential council in Gorrell and Tankerton as a reason for rejection.

The Act does not require district councils to review only the geographical area proposed in the petition. Clause 84 Paragraph 6 of the 2007 Act specifically provides for that eventuality to modify the terms of reference of the review and make separate suggestions.

A review of the wording of the report shows a presumption that a smaller sub-division would not be viable. A further review of the minutes of the Committee that reviewed the report included multiple councillors stating that the council had no powers to approve a change in the parish council boundaries sought in the petition and that therefore the petition should fail. This is expressly not a condition established in the Act nor a basis to support rejection. The Council officers appear to know that alternative boundaries can be considered from their comments at the meetings. The councillors appear not to understand that matter. The Act specifically grants District Councils discretion to amend parish boundaries into areas with a clear identity and clear boundaries. With regard to a smaller council area, no one who has visited Whitstable and Tankerton could argue that they are not well defined and cohesive communities. The boundaries proposed are the very boundaries of the wards established by government.

The Guidance to the Act and its preceding White Paper imposes one significant condition on approving councils, particularly cohesiveness of the area to be parished. This was exclusively approached from the point of view of religious and ethnic diversity following 2001 disturbances in Oldham, Bradford and Burnley. Section 8 of the White Paper states:

Immigration and our continued ties with countries around the world have resulted in a more dynamic economy with more jobs, access to crucial skills and new ideas, better public services and a richer cultural life...Those who are already most excluded may feel that they are missing out again from access to housing, jobs or health services. Cultural and religious differences can become a cause of tension. And some communities can become fragmented, and groups within them isolated, as new migrants gravitate towards living near those who share their background, culture and beliefs...

"Community cohesion is about recognising the impact of change and responding to it. This is a fundamental and growing part of the place-shaping agenda and puts local authorities and their partners at the heart of community building"

Therefore, the only guiding exception the Act provides is for a measure on social cohesion, exclusively focused on avoiding racial, ethnic and religious tension. It will be shown below how the Council used the words of the 2007 Act to support a radically different conclusion in a situation involving no such ethnic separation or discord in a manner not anticipated in the words or spirit of the Act.

The law specifically provides for District Councils to:

“simplify and speed up this process by devolving the power to create parishes to district and unitary authorities, allowing them to implement the recommendations of parish reviews and to respond to petitions from local communities. We will make it clear that there will be (our emphasis) a presumption in favour of the setting up of parish councils so that local authorities will be expected to grant communities’ requests to set up new parish councils, except where there are good reasons not to “¹

The **obligation** for District Council’s under the White Paper and the Act and its associated governance is to be in favour of setting up parish level councils. We will argue below that the Council’s officers and the councillors associated with the review have ignored in almost every aspect the requirements of the 2007 Act and have used the wording of the Act and its associated governance in exactly the reverse of what the Act intended.

Political parties’ opinion on extension of local democracy

Promoting direct government is the formal policy of every political party represented on Canterbury City Council.

Labour Party Policy on Local Government

The Blair Government established the 2007 Act. It is still a formal part of Labour party policy. The party’s express policy is that local authorities are expected to grant communities’ requests for parish level government. Only exceptional reasons are permitted to deny such.

Liberal Democrat Policy on Local Government

Devolution of powers to parish councils is also a key plank of Liberal Democrat policy:

“Liberal Democrats will devolve power to the lowest practicable level by:

- removing barriers to the creation of additional Parish and Town Councils, as well as of neighbourhood forums in areas that so choose. “²***

Conservative Party Policy on Local Government

Conservative policy

Conservative policy also favours devolution of power and local autonomy. In the Localism Bill of 2011 it states:

“The government outlined its plans to:

¹ Strong and Prosperous Communities – The local government White Paper October 2006 - <https://assets.publishing.service.gov.uk/media/5a7c73ee40f0b62aff6c1c62/6939.pdf>

² Power for People and Communities – Policy Paper 130 published by Policy Unit, Liberal Democrats Autumn Conference 2018

- ***promote the radical devolution of power and greater financial autonomy to local government and community groups***
- ***radically reform the planning system to give neighbourhoods far more ability to determine the shape of the places in which their inhabitants live***³

Green Party policy on local government

Local decision making is key to Green Party policy: which in the relevant document states:

“All decision-making and action throughout all levels of government, including international government, shall be governed by the principle of subsidiarity: namely that nothing should be done centrally if it can be done equally well, or better, locally”.

“The highest form of democracy is direct participation. This is best achieved through the decentralisation of society, so that decisions can be made through face to face discussion.”⁴

Participation of local councillors in debate on the Community Governance Review

It is noteworthy that in either the debate at the General Purposes Committee which approved the working group’s response to the Governance Review or in the meeting of the full Council, not one representative of the Labour Party, nor of the Liberal Party spoke in favour of extending democratic rights to a community that had made a valid petition under the 2007 Act. This actually is their obligation under the Act. Members of the Labour Party were actually vocal in opposing it. They were also active in public and social media against the petition as will be discussed later. Only one Conservative member spoke in favour of an equitable review and the two Gorrell Green councillors sought a detailed, unbiased and comprehensive review as well as expressing significant concern about the methods and words used by those proposing a rejection of the petition.

Delivery of a compliant petition

The 2007 Act requires a very high hurdle for establishing a parish or town council. It required 7.5% of voters to approve it. The CT5 group delivered a legally compliant review with 1,797 signatories. It is worth noting that the Council was able to validate the signatures as representing people on the electoral role from their post codes, names and email addresses. At all times the council has had the capacity to contact and question the petitioners directly.

The petition was largely raised in Whitstable High Street, outside the Tesco superstore at the top of the hill, at the Estuary View shops and Tankerton High Street. Signatories might therefore not fully represent every geographical area. However, the signatories came from all over CT5:

³ Localism - <https://www.gov.uk/government/publications/2010-to-2015-government-policy-localism/2010-to-2015-government-policy-localism>

⁴ Green Party Policy Public Administration and Government 2021
<https://policy.greenparty.org.uk/policy/public-administration-and-government/>

- 1,066 came from Gorrell – and all areas of Gorrell. This represents about 10% of the citizens, not just the voters. 389 signatories were from the area south of the railway – the demarcation line used by the Council to suggest a split opinion by Gorrell residents. That number alone compares very favourably with the 293 residents of all of Gorrell who stated in the consultation that they did not want a council and even more so than the tiny number of voters which the council analysed in its “hot-spot” review which purported to show a divided Gorrell community hostile to the council concept;
- 284 came from Tankerton – 8% of their population;
- 241 from Seasalter;
- 97 from Swalecliffe; and
- 111 from the unparished area of Chestfield.

It is worthy of note that the Council has chosen:

- Not to consult with the petition signatories representing 10% of Gorrell’s population and large percentages of the other wards through direct or digital means in the first stage of the CGR;
- Nor has it chosen to consult with the petitioners in the second phase of the Consultation. It has chosen instead to consult directly with those who registered an opinion in the consultation, a staggeringly useless exercise from a body tasked with widely consulting. The logic of asking people to comment twice on essentially the same matter and not directly with those who sought the change in the first instance speaks loudly of intent on those tasked with reviewing the matter. It clearly does not align with the presumption in favour of supporting change established in the Act.
- We hold that the District Council is obliged to consult widely in its review process and that failure to consult the petitioners themselves when they had the capacity to do so is a breach of their obligations under S93 of the 2007 Act

Structuring and delivery of the Governance Review

We do not propose here to discuss the scope or nature of the review exercise here except for some considerations:

- The time taken for the initial review was extremely short and the scope of meetings limited. The Act provides for a year for such reviews. The principal findings of the council were started and ended in eight weeks. We hold that this timeframe was inadequate to provide a reasonable analysis of the matter in hand. The petition was raised in more than a year;
- The council did not choose to use widespread digital methods in its review. Use of Survey Monkey and other opinion polling mechanisms are widely used by other District and parish councils in sounding opinion on CGR’s.

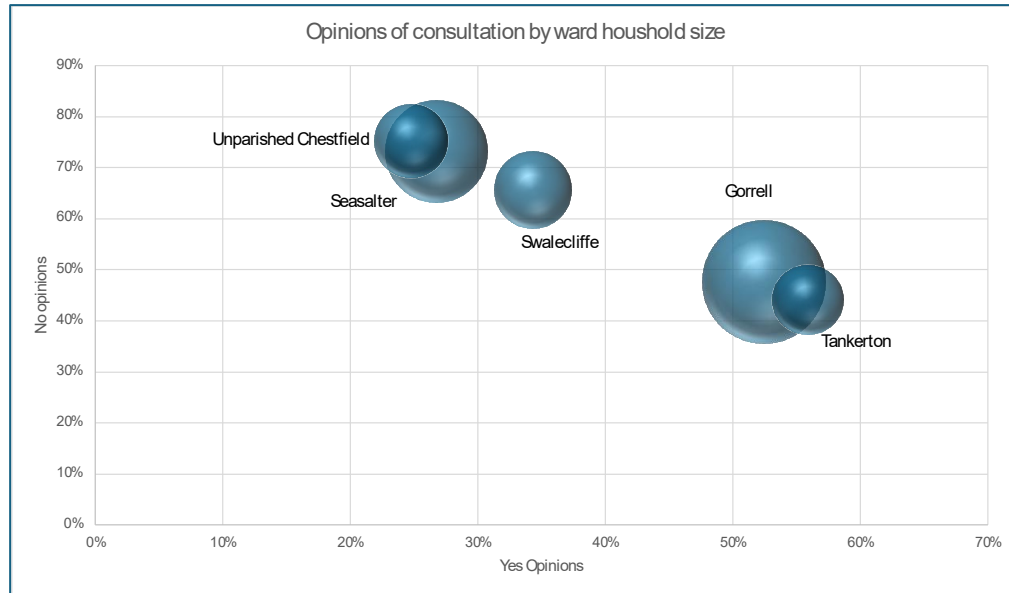
The report produced by the Working Group

To refresh the context – District Councils are required to presume that they will provide parish delegation when requested. They are only empowered to refuse if exceptional facts emerge to deny. In that context we here discuss the results of the Council’s work.

The report contains a number of factual and questionable misstatements as follows:

- Table on top of Page 15 of the minutes to the General Purpose Committee states “Top Line Results by District Ward”. It then shows results for Gorrell Harbour and Lower Gorrell”. The latter two are not wards of CCC. We hold that this is a deliberate misstatement and has the effect of misleading. Gorrell ward, the largest ward in CT5 registered a positive response to the sounding. This is not mentioned anywhere in the report’s findings;
- The report refers to three legal tests, also in Page 15. This again appears to be untrue. There are no pass or fail tests. As stated above, the Act in Section 93 subsection 4 establishes only two hurdles – that it should reflect the identities and interests of the community and that it should be effective and convenient. So the petition sought approval for a clear and distinct geographical area and a homogenous community. That should have been sufficient. The Guidance to the Act in Section 52 confirms this and qualifies it in Section 53 requiring councils to review the ‘impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish’. As referred to above, community cohesion in the White Paper, the Act and the Guidance to the Act frames cohesion exclusively with respect to religious, ethnic or racial divisions. It offers no other framework in which to evaluate “community cohesion”. There are no religious or cultural divides in CT5 – that should have ended the debate;
- The levels of adverse comments received in the soundings were extremely low. They were 1,679 positive or negative comments as categorised by the Council. Assuming a collective CT5 population (and making assumptions about the unparished portion of Chestfield) this represents 5.4% of the electorate. Of these 3.2% are recorded as adverse by the council. This is less than half the level of the petition as a percentage of CT5 inhabitants and there is nothing in the Act to require petitioners to give their voice twice. The level of opposition certainly does not reach the level to override the presumption in the Act that significant reasons need to be provided for the presumption of acceptance to be overridden. Yet the report’s language “clear rejection” when referring to 392 comments in Seasalter, 128 in Swalecliffe and 161 in the unparished area of Chestfield – no rational person could objectively state that there is sufficient data to support any such absolute statements from a group of 3.2% of the population bundled by the council into a single category of rejection;

- The report treats all responses as equally representative of their wards. An adverse opinion for Swalecliffe is one representing a much smaller portion of CT5 than Gorrell. The actual results of the sounding show that positive results were recorded in Gorrell and Tankerton which represent half of the population of the area.

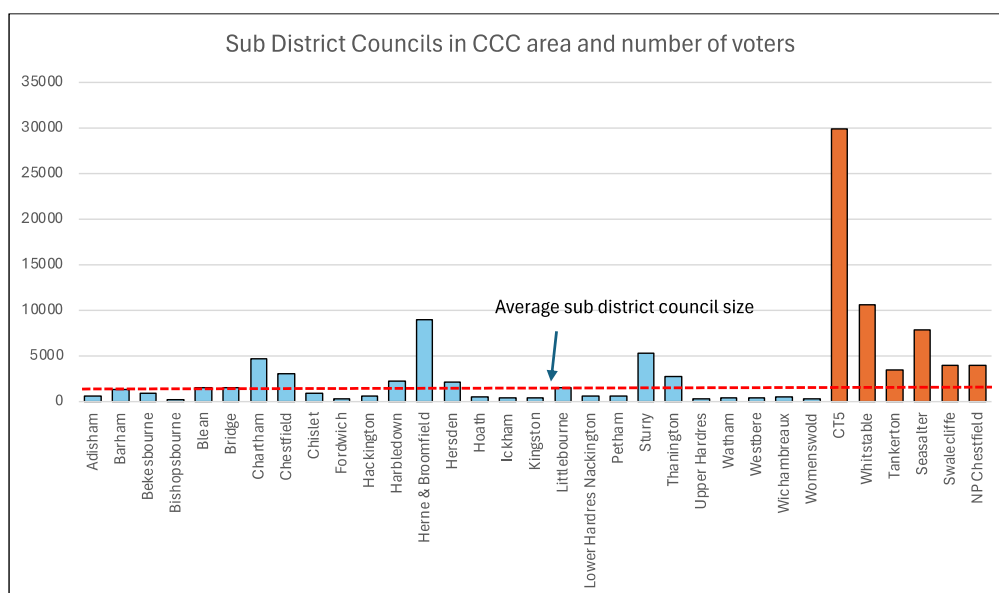


- The report refers to an exercise performed to evaluate responses within Gorrell. Only Gorrell ward was subjected to this analysis. It was not performed in any other ward. The analysis was only performed on the responses and not on petition results (which show positive results in the southern area larger than for the entire set of adverse opinions in the whole of Gorrell). This exercise was akin to gerrymandering and serves to mask the actual opinions registered in the largest ward in question, which were actually in favour. As noted above, this was compounded by the incorrect nature of the results in the graphic as “ward level”;
- The report states that “support for the proposal had this dropped and not increased”. This is again not founded on any matter supported by data. It is a prejudicial statement, perhaps reflecting the views of the Working Group’s principals but in no way meeting the hurdle of an objective review. The report itself states **“While it cannot be said definitively that the lack of engagement by a majority of residents indicates opposition...”** it then proceeds to say exactly that;
- The report sets up a straw man of a council to cover just the northern area of Gorrell and Tankerton. Nobody has proposed such an artificial boundary apart from the Working Group itself. It then proceeds to demolish its own idea through a series of items unsupported by any facts;
- Review of the smaller council area – the report reviews its artificially created Gorrell Harbour/Tankerton review – proposed by no-one but itself – and reviews this issue under the criteria established in the Act and its Guidelines concerning cohesion. It states that **“those within would be paying a precept while those in the immediate surrounding areas would not. But they would benefit from**

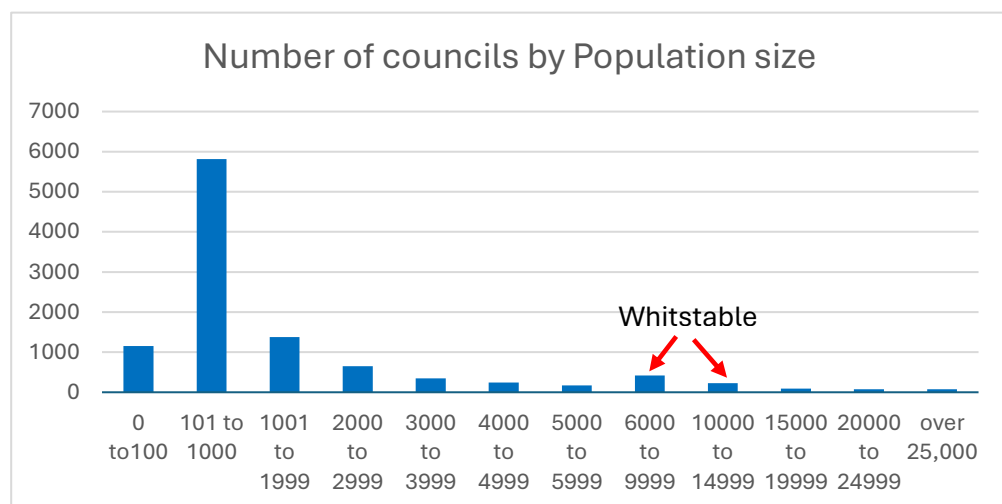
funding and services provided by the new entity. It cites section 74 of the Guidance which refers to issues threatening community cohesion (remember this is exclusively framed concerning religious, ethnic and racial separation concerning immigrants in the Act). It suggests that the proposal of the smaller council area, in boundaries suggested by itself, would cause resentment. So CCC holds that a theoretical feeling of resentment of one group of residents of a ward paying for services (and who want a council) against the rest of the town, (not permitted by CCC to join in) is grounds for rejecting a council altogether. And justifying it using a section of the Act that refers to racial profiling? This is notwithstanding the irony that CCC appears to be confirming that having a local council delivers services that people actually want. These are seriously the arguments the District Council is using to propose the denial of a council !

We hold that this entire section is a fiction – a made up straw man that no one has suggested is desirable, a separation of a ward while guising it as two, a use of a made-up concept of resentment by people who actually want a council being the cause of rejection of that council itself. The use of community cohesion as an argument is a misuse of the provision in the Act and a breach of good faith on the part of CCC. It can be stated with certainty, there is no issue concerning racial, ethnic or religious separation as a cause for stating that the entire or partial proposal for a council in CT5 should be rejected.

- The report then reviews effectiveness and convenience. It questions
 - Whether the smaller council (established in terms by itself and no-one else) would be able to raise sufficient funds to be effective. It should be noted that the capacity to raise funds is not a test required or sought in the Act;
 - It notes that its straw man council would have 6,500 citizens – we have no basis to evaluate that. It is worth noting that however even the strawman council proposed by CCC would therefore be larger than every one of the 27 parish councils already existent in the CCC apart from Herne and Broomfield



- It should also be noted that the 27 other parish councils represent 44,000 citizens in CCC, all considerably smaller in income earning capacity or population than a CT5, Gorrell and Tankerton or the CCC groups pastiche Gorrell Harbour/Tankerton parish. All of these are presumably economically viable?⁵
- The report then seeks to establish what it feels a local council should include among its activities – staffing, resourcing and capacity to take on services “over and above say a large parish council”. CCC last year sent £77,000 to its 27 tiny parish councils to take on services from it, 26 of which were smaller than the straw man. This whole section is a fabrication. No council exists for the review group to review what services it will provide. The effectiveness position concerning scope or funding capacity is simply made up. A council in CT5 would be in the largest 5% of parish councils in the UK, larger than Sevenoaks⁶. One with just Gorrell and Tankerton would be in the top 10%. So would the council’s strawman proposal. None of the conclusions in this section have anything to do with the criteria established in the Act. We presume the report has been reviewed by the Councils legal officers because none of the criteria for rejection comply with the Act?



⁵ Source CCC website

⁶ Source UK government data

Conclusion concerning the report of the Working Group

CT5 Forum holds that:

- The term and scope of the CGR performed by CCC were too abbreviated and too shallow to comply with the standards established in the Act;
- Councillors have failed in their obligations under the Act to presume that the petition will be granted, because no material facts have emerged to support denial;
- The review methods were extremely limited and should have been wider including direct contact with petitioners and the use of digital methods of sounding opinions. The law gives a year for consultations to be completed. The Council effectively went from start to finish on the most important stage in less than 8 weeks;
- The numbers of opinions presented opposing the petition were miniscule and insufficient to overcome the presumption of granting a parish included in the Act. They are certainly not a definitive reason to refuse the proposal. The Act requires a high standard for a petition. Rejection should presumably be just as high – 3.2% is half the level of the petition and cannot be viewed as material in any analysis;
- The separation of Gorrell into two areas in the analysis was impartial and designed to mislead. The results of such division were misrepresented, and the division suggested in the review between the two areas is fabricated. The petition data is a clear counter to those suggestions and was not considered;
- The strawman idea of a Gorrell Harbour and Tankerton is foolish and not suggested or wanted by anyone. A CT5 council is viable. A council for Gorrell and Tankerton is an equal, perfectly viable solution within the terms of the Act. It has clear, existing political boundaries. It has most of CT5's business, social and community assets. It would be within the top 10% of parish councils in the country. It would have resources materially larger than the 27 other viable parish councils in the CCC area;
- The conclusion concerning a lack of viability of a council greater than 8,700 people has no basis given CCC has 26 smaller councils operating acceptably within its boundaries;
- The report drew firm conclusions from scant details and made conclusions heavily weighted in bias that were not supported by facts;
- The report did not apply the criteria established in the Act concerning "coherence". In fact it deliberately sought to apply criteria not established in the Act or its Guidance to suggest the proposal lacked coherence;. There are no ethnic or religious conflicts within CT5 communities;
- We would specifically seek from the Council's legal officers information to be disclosed publicly concerning
 - Whether the 8-week term of the review compared to the provisions established in the Act were a sufficient term to show the council was

compliant with its obligations under law – compared to the one year provided in the legislation;

- Whether there is any reason in the Act or its guidance to support the Council's failure to consult the petitioners, either in the first or second stage of the review;
- Confirmation of the fact that the Council has discretion to review different boundaries from those proposed in the petition when reviewing the matter – and not as argued by councillors in discussion in committee that the boundaries established by the petition were the only ones acceptable;
- An opinion on whether the arguments used to support rejection of a council in the report meet the standards established in the Act concerning coherence. Was there any indication in the responses concerning racial, religious and ethnic differences to warrant rejection as established in the White Paper, the Act and the Guidance? In other words:
 - is supposed resentment against freeloaders by those who enjoy the benefits of a council, supported in the words of the Act as a basis for denial to those citizens of the council they clearly wanted?
 - Is rejection supported on religious or ethnic lines?
 - Is resentment a concept established in the Act?
 - Can a council just make up arguments concerning coherence without any reference to the words of the Act as a basis for rejection?
- Whether the expressed opinions of half the level of the petition required by law or 3.5% of the population of the area, sufficient a demonstration of significant opposition to warrant overcoming the presumed acceptance of a valid petition required by the White Paper, the Act and the Guidance;
- Whether the arguments used in the report concerning the supposed lack of viability of a council based on just the strawman idea raised were requirements established in the Act for rejection – i.e:
 - are there any economic tests required for approval in the Act?
 - Does the council have to review the supposed scope of a new parish governance when approving it?
 - Did the report come to a reasonable conclusion in the light of the fact that there are 27 operating parishes in the CCC area, all of which are viable and all of which are significantly smaller than any of the ones proposed by the petitioners;
- Whether the appointment of councillors directly involved in the matter in hand, (i.e., councillors who might be deemed to lose either power or influence as a result of the granting of a town council), to lead and review whether such a council should be granted was not a conflict of interest that should have been avoided by the governing majority on the council;

- Whether the involvement of the councillor tasked with leading the review in seeking an end to the process, in a post including deliberate misstatement of the results, prior to its review by any council body, represents a conflict of interest and also a breach of at least four of the Seven Principles of Public Life, notably:
 - **“Objectivity – Holders of public office must take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.**
 - **Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.**
 - **Selflessness**
Holders of public office should act solely in terms of the public interest.
 - **Openness**
Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.”
- The second phase of the CGR review should specifically review a council in Gorrell and Tankerton. We still hold that a CT5 council is desired and merited and that the hurdle of significant justification for the required approval has not been reached;
- We do not support a diversion of the efforts for a representative town council into establishing further talking-shops. The Act provides for the presumption of acceptance as the standard for District Council review. That is what we want and the community seeks to control its own resources, make good for the almost entire withdrawal of CCC from funding local activities, ensure that developers funding gets spent in the community and the freedom from constraints in expenditure and spending obligation that District councils are bound by. We specifically are asking for services, resources and a local democratic process granted us by law and the political manifestos of all four parties represented on the Council. We specifically do not want District councillors suggesting that they should usurp the role of direct representation offered by the Act. The report states ***“the balance of power in favour of the council will always exist in such arrangements because ultimately it has both the democratic mandate and statutory decision-making powers”***. This is exactly the attitude that prompted the petition. The Act says otherwise and the Council is obliged to give approval unless a high standard is met for alternative arrangements. The CT5 Forum sought the rights to establish the local democratic mandate and statutory decision making right clearly afforded by law. The acts of the Working Group and their report are, in our view, a deliberate attempt to frustrate the rights of the citizens of CT5 and to deny them a democratic voice.

Participation of Councillors in external opposition to the proposal prior to the approval by the council

We would note disturbing activity in lobbying against the council proposal among councillors on and leading the Council Working Group. We would hold this activity shows partiality and unethical lobbying against the petitions results while still in mid review by the council. Particularly we note a posting on the Whitstable Labour Councillors Facebook site on 8 April 2024, before the report was considered by any council body as follows:

8 April WHITSTABLE REJECTS TOWN COUNCIL. Councillors on the working group are proposing we don't proceed with a town council and don't spend anymore tax payers money on an extensive second stage. The number of people in support has dropped since the original [CT5 People's Forum](#) petition was submitted in November. This recommendation will be debated on Tuesday 16th. You can read the full report at <https://tinyurl.com/bdxzye3k>

This post also included a false representation of Gorrell's opinions in the review as representing a rejection. When it was pointed out this was in error the following was posted:

Chris Cornell

Michael Ian Bax - this is an error on my part and I'm brave enough to admit it whatever political accusations you want to throw at me. I've amended the Gorrell chart but the majority in Gorrell still voted no or not sure. The size of the electorate isn't actually relevant here when you consider the number of people who were involved in the consultation as larger electorate shows even positive votes to be a very small figure. I believe the total in favour in Tankerton represented 4.1pc of the total electorate - so it was hardly a victory which represented the population. **Patsy Rowden**

The writer, Chris Cornell was the head of the Working Group. So we see a member tasked with impartiality and confidentiality on behalf of CCC, acknowledging responsibility for lobbying against the results of the review and for sharing distorted material, prior to any discussion of the matter by the Council. We believe there has also been extensive lobbying outside the process established by the council as well by councillors involved in the review process.

We hold this to be unethical and improper should it have happened. We will be seeking four things:

- That the activity of the councillor responsible for leading the review should be reviewed by the Council's legal officers as detailed above;
- The recusal of all councillors who are admins or who post to the mentioned Facebook site from any further role in the review process of the CGR;
- Public disclosure of the minutes of the Working Group and also of any recordings of their proceedings if extant; - the CGR to be held open until such data has been provided and sufficient time available for review;
- A Freedom of Information Act request for copies of all communications, both on council emails as well as on private emails, WhatsApp and Facebook messenger from any councillor from the CT5 area involved in the review to any constituents or groups involved in the process (also including admin status on

associated Facebook groups). The process is to ensure all communications concerning the matter in question were legitimate, transparent and impartial. We are not alleging impropriety and trust that the review was conducted in a bona fide basis but wish, as we are sure the council wishes, for the matter to be clear, open and impartial. The CGR should be held open until such data has been provided and sufficient time available for review.

Conclusion

The CT5 Forum presented a valid petition for the institution of a Town Council for the whole area of CT5 under the 2007 Act. The petition included signatures from people across the wards with more than 10% of the residents of all of Gorrell signing. Section 37 of the Guidance grants a year to complete its work. CCC did this in 8 weeks and then proposed to effectively halt the process. The presumption is to grant a valid petition unless good reason has been given. The criteria for acceptance is that the request must reflect the identities and interests of the community and that it should be effective and convenient. The petition represents an area larger than the 27 existing parishes in the CCC and followed established ward boundaries. It would have figured in the top 5% of parish councils in the UK by size. It was clearly economically viable.

CCC conducted a hasty and shallow consultation. It allowed councillors adverse to the idea who stood to lose influence if the council was granted to head and steer the review. The same councillors have appeared in social media before the matter was reviewed by council, campaigning against the approval. It failed to consult the very petitioners who raised the petition despite having the data to do so. It completed a process where a year is granted for approval in 8 weeks. Some 3.5% of the responses were suggested by the council as negative. This tiny number of voices, mainly from three wards was held to meet the hurdle required in the Act for rejection, despite the Act requiring a material adverse view. The council engaged in a dissection of one ward's responses alone and used this process to suggest a rift within a ward that expressed a positive opinion. That positive opinion was not mentioned in the report. The result of that ward was guised in the report as representing the views of two wards that ceased to exist years ago. This same misleading view was shared by the councillor leading the review in a post on Facebook seeking the premature end of the review before it was even seen by the council. The Act's words established to stop racial or religious profiling in council boundaries was then used in the report to suggest that because people in a straw man proposal might be upset because they paid the cost of a council and other outside might benefit– and so should therefore be denied the benefit of the very council they wanted!

The CT5 Forum maintains that it still wants what it asked for. The council is obliged by law to delegate powers down unless a high hurdle of opposition is registered. It has not been. If a smaller council is sought a better proposal by the council, given that there are some adverse views from three wards, we are prepared to engage on one for the areas where favourable opinions were in a majority. We will not do so on the gerrymandered area suggested in what we view is a misfounded, biased and divisive report delivered after a half-hearted and hasty consultation. We do not feel the citizens of CT5 need another talking shop. They want quality services, support for their business, social and sporting activities, well-lit and maintained streets and parks, locally managed amenities and control over their own money. That is what they have asked for and deserve.