

## Taunton Charter Trustees - 4 June 2019

Present:

Councillors Lee Baker, Chris Booth, Caroline Ellis, Catherine Herbert, Marcia Hill, Richard Lees, Sue Lees, Libby Lisgo, Martin Peters, Hazel Prior-Sankey, Federica Smith-Roberts, Francesca Smith, Alan Wedderkopp, Danny Wedderkopp and Brenda Weston

Officers: Jo Comer, Paul Fitzgerald and Marcus Prouse

Also Councillors Habib Farbahi and John Hunt

Present:

(The meeting commenced at 6.00 pm)

### 1. Election of Mayor of Taunton

**RESOLVED** that Councillor Francesca Smith be elected Mayor of Taunton for the ensuing municipal year.

Councillor Smith signed and made the declaration of acceptance of office, and thanked Councillors for their support.

### 2. Election of Deputy Mayor of Taunton

**RESOLVED** that Councillor Sue Lees be elected Deputy Mayor of Taunton for the ensuing Municipal Year.

Councillor S Lees signed and made the declaration of acceptance of office, and thanked Councillors for their support.

### 3. Appointment of Civic Marshal

**RESOLVED** that Councillor Marcia Hill be appointed Civic Marshal for the Taunton Charter Trustees.

### 4. Apologies & Declarations of Interest

Apologies for absence were received from Councillor Simon Coles.

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Minute No.	Description of Interest	Reason	Action Taken
Cllr L Baker	All Items	SWT & Cheddon Fitzpaine	Personal	Spoke and Voted

Cllr C Booth	All Items	SWT & Wellington	Personal	Spoke and Voted
Cllr C Ellis	All Items	SWT	Personal	Spoke and Voted
Cllr C Herbert	All Items	SWT	Personal	Spoke and Voted
Cllr Mrs Hill	All Items	SWT	Personal	Spoke and Voted
Cllr J Hunt	All Items	SCC & SWT	Personal	Spoke
Cllr R Lees	All Items	SWT	Personal	Spoke and Voted
Cllr S Lees	All Items	SWT	Personal	Spoke and Voted
Cllr L Lisgo	All Items	SWT	Personal	Spoke and Voted
Cllr H Prior-Sankey	All Items	SCC & SWT	Personal	Spoke and Voted
Cllr F Smith	All Items	SWT	Personal	Spoke and Voted
Cllr F Smith-Roberts	All Items	SWT	Personal	Spoke and Voted
Cllr A Wedderkopp	All Items	SCC & SWT	Personal	Spoke and Voted
Cllr D Wedderkopp	All Items	SWT	Personal	Spoke and Voted
Cllr B Weston	All Items	SWT	Personal	Spoke and Voted

5. **Notes of Meeting of the Taunton Unparished Area Committee**

(Notes of the meeting of the Taunton Unparished Area Committee held on 30<sup>th</sup> January 2019 were circulated with the Agenda).

**RESOLVED** that the notes of the final meeting of the Taunton Unparished Area Committee held on 30<sup>th</sup> January 2019 were noted.

6. **Petitions**

No petitions from residents of Taunton were received.

7. **Public Questions**

(a) Councillor John Hunt asked the following questions:-

After the meeting of the Unparished Area Committee meeting held in January, he had spoken to several different Councillors from all parties and had been left in no doubt that this group was to be set up to allow Taunton to continue its tradition of having a Mayor, and was only a temporary measure. The purpose of Charter Trustees was to maintain the continuity of a Town Charter, after the District with a status of Borough had been abolished, and until such time as a Parish or Town Council has been established. He understood that the City of Bath had continued with this model but that their system was different in that their Mayor covered the

whole of the City, which is not the case in Taunton. He was in favour of Taunton having a Mayor but that the Mayor should represent the whole of Taunton.

- (i) The minutes of the Unparished Area Committee on 30<sup>th</sup> January clarified that any invitations to events outside of the Unparished Area would need to first go to the Civic Head of the District Council (Chair of Somerset West and Taunton). Did this mean that the rest of the County Town was not represented by the Mayor of Taunton?

Councillor Hunt stated that he represented 11,500 registered electors, however 6,800 of those would it seem not have access to Taunton's Mayor, and this was just of those eligible to vote. The sixteen Councillors who served as Charter Trustees from nine wards had been selected by default to represent the County Town and choose a Mayor from amongst your number. The Mayor would only thus be available to an electorate of around 33,000 people or 56% of those eligible to vote in Taunton town, and thus 44% would not have the benefit of the Mayor.

- (ii) Please could I have your assurance that this Charter Trustee group will only be in place until such time as a proper Taunton Town Council has been established or the Unparished Area is parished and a Mayor could be created that could cover the whole of Taunton, if this was considered necessary by the people we serve.

The Mayor thanked Councillor Hunt for his questions and assured him that a written response would be sent to him.

Councillor Prior-Sankey responded and commented that the Governance review had been promised and would imaginably take place in the next couple of years and involving public consultation. This had been the only device that was available at the time to maintain the Mayoralty status. The Mayoralty was considered very important to the people of Taunton. As part of the Community Governance Review there would be parishes that may wish to join a potential Town Council and there may be areas currently unparished that wish to form their own distinct parish council.

Councillor Lisgo commended Councillor Prior-Sankey's comments. The former Taunton Deane Borough Council actively missed the opportunity to deal with this and chose not to instigate a Community Governance Review three years ago, which would have meant that by the time we had reached the point of a New Council a Town Council would have been ready to be stood up at the same time. This had taken place in Portland and Weymouth where at the point of reorganisation they had created a new Town Council. Charter Trustees should in her view be a temporary measure. She encouraged the new administration to undertake the Community Governance Review as soon as practicable.

Councillor Hill stated that she believed the people of Taunton could invite both the Chair of Somerset West and Taunton and the Mayor of Taunton and were not restricted having seen this happen in other localities and was not personally an issue for her.

(iii) Councillor Hunt asked for clarification that the Mayor of Taunton could attend events outside of the Unparished Area?

Some Charter Trustees felt that the Mayor of Taunton could attend events outside of the Unparished Area if so wished and if this was funded separately. Councillor Herbert raised concerns around the use of Unparished Area funds raised from a specific group of Council Taxpayers being used to allow the Mayor attend events outside the Unparished Area. Councillor Herbert felt a longer conversation was needed on the jurisdiction of the Taunton Mayor and the protocols being established between the Mayor and Chair in which events were attended by whom.

(b) Mr Nigel Power made the following statement:-

My background is accountancy trained rising to CEO of UK and overseas subsidiaries of major international companies. In my dotage, I now lecture ACCA subjects at Richard Huish business school, adult section. I therefore hope I can speak with a reasonable amount of experience with regards to getting value for money and first principles business case justification.

There seems to be confusion and potential obscurity revolving around responsibility, expenditure and funding of the Mayor and associated support costs.

We now have a new structure encompassing West Somerset and Taunton Dean which comprises of parish and unparished areas. The new Mayor and supporting entourage appear to be only representing the unparished areas with the chair of the council performing some sort of role for the parishes. If this is so, then we appear to be adding further dignitary costs over above what we had for a position which will be even more ceremonial than it was.

Regarding funding, there seems some ambiguity around the use of precepts to fund this activity. The inference is, that the unparished areas will now or in the future fund the mayor and associated costs. Please clarify.

On a general point, the creeping use of precepts and similar supplements to fund all sorts of activities such as police and crime commissioner, Devon and Somerset Fire and Rescue Service, Somerset Council's Adult and Social Care is becoming very transparent. I think the term is Stealth tax to extract extra funds from already hard up council tax payers. In this case, the cause is a luxury, especially against the backdrop of cuts and shortages in services for core council activities at both local and county level.

A further point to air in this context, is the consideration of a unitary council. Most people would not be able to navigate comprehensively which council does what service. The level of duplication of back office, management structure and councillors are in my opinion wasteful and the savings should be redirected to much more deserving areas. The 5 councils (including county) account for around 250 to 300 councillors. Compare this to my home city of Sheffield with a very similar population of around 500,000 is 94.

This is a new council of a different political persuasion with the opportunity to do a lot of good. It should use this opportunity to demonstrate good progressive leadership and management of resources for the community it represents and at the same time be transparent in all its dealings.

Sheffield is habitually a Labour council and in different ways has been very wasteful. The Liberal Democrats gained power about 20 years ago but lost it after one term as it failed to exceed its predecessor in terms of management of resources and assets. I hope you do not waste your opportunity.

The Mayor thanked Mr Power for his questions and assured him that a written response would be sent to him if he wished to have one.

(c) Mr David Orr asked the following questions:-

I am a resident in the unparished ward of Vivary (formerly Killams and Mountfield). We are one of the anomalous unparished wards in Taunton where, unlike Taunton parishes, we have no statutory consultation rights; no ability to have a Local Plan, nor do we get any share of CIL planning gain; nor do we have any access to our own precept for funding or any of the formal resources available to a Parish Council. I worked part-time as a backup photographer for the local papers for 3 years, so I am aware that many people value a civic dignitary at special occasions and commemorative events. I do then appreciate why the loss of a Mayoral Office from the new Somerset West and Taunton (SWT) Council was a genuine concern.

- (i) It is quite clear from the SWT Council website and the Special Instrument legislation that the Mayor is only for the unparished areas of Taunton.

*“The Mayor and Deputy will maintain the traditional role previously carried out by the Mayor and Deputy Mayor of Taunton Deane within the boundary of the unparished area.”*

How will that work with the Civic Office of the SWT Council and who pays for the Mayor or Deputy Mayor if they attend in parished areas of Taunton? That remains unclear.

It vexes me considerably that in the three years it took to create the controversially merged SWT Council, nothing was done to sort out those unparished ward anomalies. The unparished area fund is only £42,000. To set that in context, the departing Chief Executive received £89,000 for “loss of office” on top of the standard redundancy and retirement benefits.

- (ii) Is that £42,000 enough to bear the administrative costs of the Charter Trustees and the Mayoral Office? We simply don't know as no sensible budgeting has been carried out and brought to this key inaugural meeting. How much funding will be left for the benefit of the communities in the

unparished areas? We don't know. That contravenes the Standing Orders before you today.

- (iii) In the Standing Orders, Councillors who are Charter Trustees are required to declare conflicts of interest. Why haven't these been published?

I think that using the funding raised in unparished areas outside of those areas, is morally wrong and potentially ultra vires, given that the Statutory Instrument lists those specific unparished areas.

I will move to formal complaint if I see the unparished fund being used out of area. It took almost 4 years to make the Somerset Rivers Authority a precepting body. The morality and legality of this body raising the precept for unparished areas remains unaddressed. The Charter Trustees were created under the Leadership of John Williams and the Conservative Executive and the Charter Trustees may have started life as a "Get Out of Jail" card for keeping a Mayoral Office in Taunton.

Now that we have a Lib Dem administration, I would say to you to break out of the mind-set of the past and vote for your own budgets at Full Council. If you want a fully funded civic and mayoral office then vote for one. If you want to support twinning arrangements for all of Taunton then vote for that.

The Mayor thanked Mr Orr for his questions and assured him that a written response would be sent to him.

Councillor Prior-Sankey commented that there would be times where the Mayor of Taunton would need to travel outside of the Unparished Area of Taunton to represent the Town. She suggested the Charter Trustees sought advice to ensure the arrangements were appropriate, but she believed that a key part of the Mayoral role was in that representational aspect.

Mr Hunt was sent the following written response from the Governance and Democratic Specialist after the meeting:

- (i) The Chairman of SWT Council takes precedence across the District whilst The Mayor is the first citizen of Taunton. The exception to this is where an event involves a member of the Royal Family, Her Majesty's Lord Lieutenant or High Sheriff within Taunton Town (the unparished area), then the Mayor would take precedence. The Charter Trustees (and by extension the Mayor) are drawn from the 16 elected Members who are representing the Unparished Wards, and the funding for the Mayoralty will be precepted from within that boundary. However, The Charter Trustees are the body in which historic rights and privileges for the town of Taunton have vested in upon the abolition of the Borough Status of Taunton Deane. There is no part transfer of historic rights and privileges. Whilst having no executive powers the Charter Trustee body is responsible for ensuring the continuance of

the historical, ceremonial and social links of the Town. The Mayor historically as part of their duties may have gone to other Mayor Making ceremonies and other events outside of the Unparished Area and or the Town, as the Mayor is first citizen of Taunton and has that representational aspect to their role. It is for the Charter Trustees to decide whether they wish to support this and other activity historically done by the Mayor of Taunton Deane and to set a precept in future years from their residents to pay for it. The vast majority of the activity will be in the unparished area. I would suggest it is for the Charter Trustees to decide how they spend the funding provided to them as to how to best to continue support these historical civic links and how that is utilised to support the Mayoralty for 19/20, and the protocol to be discussed at our next meeting should help delineate how this will work in practical terms.

- (ii) As soon as a Town or Parish Council (were it to be created following a Community Governance Review) was created the Charter Trustees body would be dissolved – “Charter trustees are dissolved by virtue of regulation 15(2)(a) of the Local Government (Parishes and Parish Councils) Regulations 2008 (S.I. 2008/625) where the charter trustee area becomes wholly comprised in a parish or two or more parishes. Regulation 15 also provides that, in those circumstances, any mayor or deputy mayor shall cease to hold office as such and all property, rights and liabilities of whatever description of the charter trustees shall become the property, rights and liabilities of the parish council.

Mr Power was sent the following written response from the Governance and Democratic Specialist after the meeting:

- (i) I can confirm that the Charter Trustees body will have the power to raise a precept next year to carry out their functions including funding the costs of a Mayoralty. Section 39(2)(d) of the Local Government Finance Act 1992 provides that charter trustees are local precepting authorities for the purposes of that Act.

Mr Orr was sent the following written response to his three questions from the Governance and Democratic Specialist after the meeting:

- (i) Yes the Charter Trustees (and by extension the Mayor) are drawn from the 16 elected Members who are representing the Unparished Wards, and the funding for the Mayoralty will be precepted from within that boundary. However, The Charter Trustees are the body in which historic rights and privileges for the town of Taunton have vested in upon the abolition of the Borough Status of Taunton Deane. There is no *part* transfer of historic rights and privileges. Whilst having no executive powers the Charter Trustee body is responsible for ensuring the continuance of the historical, ceremonial and social links of the Town. The Mayor historically as part of their duties may have gone to other Mayor Making ceremonies and other events outside of the Unparished Area and or the Town, as the Mayor is first citizen of Taunton and has that representational aspect to their

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- (ii) The Charter Trustees have formally requested from SWT Council the transfer of all funding derived from the Unparished Area to the Charter Trustees, funds that were previously administered by the Unparished Area Committee. This amount (48,978.69) will need to be prudently managed and their budget for the rest of the year will be discussed at the next meeting on 7<sup>th</sup> August. Somerset West and Taunton Council is expected to provide accommodation and staffing support for the Charter Trustees for the first year which should reduce the liabilities for this year, and could if it wished provide other support by agreement. It is intended that the support provided by the Councils various support staff including the Governance and Finance team shall be recorded to enable a true reflected picture to be reported back to the Charter Trustee's in advance of them raising their own precept for 2020/21. The role of charter trustees is to protect the civic tradition, mayoralty and regalia for the ancient area they represent and any precept raised would reflect this and not be used to fund other expenditure.
- (iii) Declarations of Interest is an item of order of business on each Charter Trustee meeting as per the Standing Orders. This was missing from the published Agenda of the first meeting but The Mayor at the meeting at apologies asked those Councillors who had any declarations of interest to make them then.

## 8. **Deputations**

No Deputations from residents of Taunton were received.

## 9. **Communications**

The Chair invited Councillor Catherine Herbert to make her statement.

Councillor Herbert had a great deal of concern around the costs of providing the Mayoralty and didn't feel that the Trustees had grasped the implications of this. The recommendations made by the Joint Independent Remuneration Panel (JIRP) in their own report to the Shadow Council in March 2019 admitted that they did not have much information around the scope of what a Mayor of Taunton would be. They also admitted that they had not been able to find out very many examples of what similar sized Town's Mayors were being paid as an allowance. She happened to know that Wellington's Mayor, whilst a different role, received an allowance of £500. The scope of the work that the Mayor did needed to be



reviewed critically going forward as there were some events on balance the Mayor should not go to. Some of the events such as the Christmas Day visits which incurred a high cost were not appreciated and just because the Mayor had historically gone to an event did not mean they needed to in future.

The recommendation that went before Shadow Council in March 2019 from the JIRP was, in her opinion, asking for the Charter Trustees to consider their recommendation and not setting that amount that needed to be paid. Councillor Herbert felt that with a limited budget this year of just the totality of the Unparished Area Special Expenses Precept and we would be paying an allowance based on guesswork based on an ill-informed group of people who had not done the required research. Unless that Allowance paid for the entirety of the Mayor's Travel Allowance. Councillor Herbert also had concerns around Parishing and her area was leaning towards becoming a Parish rather than part of a Town Council. On Twinning, Councillor Herbert felt that these Associations held no value for Taunton in 2019 and communications ability had changed somewhat since the post-war period and felt that the use of taxpayer's money could be better utilised. Councillor Herbert also raised concerns around the Councillors who are SWT Council's representatives on the Twinning Organisations. She felt that the Associations were not well supported and that the money could make a greater difference in the Unparished Area.

The Mayor thanked Councillor Herbert for raising the many issues she had and that these would need Officer Support and clarification to come back and answer these points at a future meeting.

Councillor Weston agreed that there was more to be clarified. She suggested a discussion was to be had with the Twinning Associations to clarify the benefit to Taunton they brought and review how they operated.

## 10. **Charter Trustees - Standing Orders**

The Charter Trustees considered the draft document circulated of the Standing Orders for the Charter Trustees of Taunton.

During the discussion of this item, Members made comments and asked questions which included:-

- Councillors raised concerns around the gendered language in the document and the need to be consistent.
- *Officers responded that this would be reviewed and corrected.*
- Concerns were also raised around the use of language that was not in Plain English, to enhance public understanding.

**RESOLVED** that the Standing Orders for the Charter Trustees of Taunton were agreed.

## 11. **Functions and Responsibilities of the Charter Trustees**

Charter Trustees considered the draft 'Functions and Responsibilities' as set out in the circulated document.

During the discussion of this item, Members made comments and asked questions which included:-

- It was suggested that at Point 9 the reference to Civic Church Services was deleted as there were a number of different faiths and none being practiced in the community.
- Questions were raised over whether the Civic Regalia was now in the ownership of the Charter Trustees, what items were in our possession and the cost of upkeep of these?
- *An inventory of the items was kept and they were regularly valued and insured, which is something that the Charter Trustees would be responsible for.*
- Point 3 stated that the Regalia would be loaned by Somerset West and Taunton to the Charter Trustees and not transferred, was this correct?
- *The question of Ownership would need to be clarified.*
- Concerns were raised around Point 15 and the cost of Officer Time to service the Charter Trustees absorbing a large proportion of the proposed budget for the following year.
- Concerns were raised that not enough work had been done on the budget estimation and until that work is done this group would not be able to fully function.
- *The baseline costs of supporting the Mayor and Charter Trustees would need to be established in the forthcoming year to enable the Charter Trustees to then set a reasonable precept that could cover the functions and responsibilities for 2020/2021.*
- *If the Request for Funding was agreed by SWT Council then one of the earliest pieces of work for the Charter Trustees would have to complete was a budget for 2019/20.*

**RESOLVED** that the Functions and Responsibilities of the Charter Trustees of Taunton be agreed, with the caveat that it is brought back to the Charter Trustees next meeting with further clarification on the points raised.

## 12. **Appointment of a Standing Committee**

Charter Trustees considered the circulated draft report on the proposed 'Powers and Duties' of the Standing Committee. The Specialist in Governance and Democracy outlined that the seven seats on such a Committee allocated politically proportionally as per the Standing Orders would be 6 Liberal Democrats and 1 Labour seat, though it was within the gift of the political groups

as to whether they took up their full entitlement. The names of those to be appointed did not have to be decided upon at this meeting but could be passed on to the Governance team in due course.

**RESOLVED** that the appointment of a Standing Committee for the Charter Trustees of Taunton were agreed.

**RESOLVED** that the Powers and Duties of the Standing Committee of the Taunton Charter Trustees were agreed.

### 13. **Motions to the Charter Trustees**

No motions to the Charter Trustees of Taunton had been received.

### 14. **Request for Funding**

Charter Trustees considered this item which was necessary to enable the Mayoralty to function and an Unparished Area Grant Scheme to continue to be operated. Somerset West and Taunton Council would need to receive a formal request to transfer all funding derived from the Unparished Area to the Charter Trustees. In future years the Charter Trustees would be in a position to raise its own precept.

During the discussion of this item, Members made comments and asked questions which included:-

- Questions were raised as to whether this included unspent funds previously held in the Unparished Area Special Expenses Precept.
- *Officers clarified that the amount was currently standing at £131,036.17, with £83,071.48 of that already committed but not spent.*
- Did this include the Community Infrastructure Levy (CIL) Monies?
- *No, and the Charter Trustees could request this funding amount (currently standing at £97,746.35) was transferred over also subject to appropriate governance arrangements having been devised, much as Parish and Town Councils control their CIL receipt allocation.*
- Does the Unparished Area Special Expenses Precept accrue interest?
- *A written answer would be provided but historically this was not done it was expected that this would be very small as the tax is collected in instalments throughout the year.*
- *There was also an Unparished Area Capital Budget that had been given to the Unparished Area Committee of £20,000 of which £10,995.86 with a specific requirement when given by the former Taunton Deane Borough Council to be spent on Open Spaces/ Playground Area Equipment.*
- It was requested that a breakdown of the Accounts be brought back to the next meeting of the Taunton Charter Trustees.
- It was raised that the use of the CIL monies was discussed at the January meeting and the emphasis on joint use with Somerset County Council to improve cycling infrastructure was supported. It was suggested that at the next meeting Officers of Strategy were requested to report back on this.

**RESOLVED** that the Charter Trustees of Taunton formally request from Somerset West and Taunton Council the transfer of all funding derived from the Unparished Area to the Charter Trustees.

15. **Taunton's Twin Towns**

Charter Trustees considered the circulated proposal to continue provision of a degree of financial support for the group's supporting Taunton's Twinning arrangements.

During the discussion of this item, Members made comments and asked questions which included:-

- Councillor Lisgo held some sympathy with Councillor Herbert's previous remarks. She believed that the proposals for Twinning needed to be radically modernised, with the full benefits of it not fully realised by a broader group of people. Until the budget for the Charter Trustees was known this could not be supported.
- Councillor Prior-Sankey clarified that the Lisieux Twinning Group received a £1000, of which the dinner must be paid for out of and was not separate and this could be consistent for both.
- The Lisieux residents involved were considered to still be very keen on the Twinning link. A discussion was needed to get both groups to come to the next meeting of the Charter Trustees and discuss this further.
- If the support was withdrawn then the Twinning Links could cease.
- The planning for next year's visit was already underway and the funding for this needed to be clarified.
- Comment was raised that the Charter Trustees should be fostering our relationships with other European countries and this needed to be looked at in the round for its demonstrable benefit to the Community if there was one potentially, such as involving more young people.
- The suggestion to merge the two separate Twinning Groups had previously been made.
- Twinning was a wider subject and perhaps the review needed to incorporate Somerset West and Taunton Council as an area needed to look at the Twinning links across the piece.
- Councillor Smith-Roberts had recently been involved with Friends of Konigslutter (FOK) and felt the experience had been a positive one. She commented that it may be more appropriate for SWT to look at other ways of operating and fostering those relationships which could be beneficial.
- It was requested by Councillor R Lees that the funding arrangements for other towns and localities in SWT that had twinning arrangements were researched and reported back to the next meeting of the Taunton Charter Trustees.
- A suggestion was made that the Parish Councils in the wider Taunton Area were approached requesting that they also helped to make a contribution to the Twinning proposals.

- Comment was made that the request for funding should be dealt with by the District Council and not through the use of the Unparished Area Precept.

**RESOLVED** that the proposal to continue providing a degree of financial support for the groups supporting Taunton's Twinning arrangements be deferred to the next meeting of the Charter Trustees to enable more information to be provided.

16. **Date of Future Meetings**

The Specialist in Governance and Democracy notified Members that dates had been identified of possible future meetings in the forthcoming Municipal Year, including an Informal meeting to deal with the nominations for the Mayor.

**RESOLVED** that the Taunton Charter Trustees were to meet quarterly, with dates to be circulated.

**RESOLVED** that the Taunton Charter Trustees establish a timetable of Standing Committee meetings that could take place at the earliest possible opportunity to establish a clear expectation for the future Community Governance Review of the Taunton area.

(The Meeting ended at 8.40 pm)