

# Constitution and Governance Committee

Monday 18 July 2022

2.00 pm Luttrell Room - County Hall,  
Taunton



To: The Members of the Constitution and Governance Committee

Cllr T Butt Philip (Chair), Cllr S Carswell (Vice-Chair), Cllr B Clarke, Cllr H Davies, Cllr D Johnson, Cllr H Kay, Cllr C Lawrence, Cllr M Lovell, Cllr M Murphy, Cllr S Osborne, Cllr S Pugsley, Cllr R Wilkins and Cllr A Wiltshire

All Somerset County Council Members are invited to attend meetings of the Cabinet and Scrutiny Committees.

Issued By Scott Wooldridge, Monitoring Officer and Strategic Manager - Governance and Democratic Services - 12 July 2022

For further information about the meeting, please contact Clare Rendell - Governance Specialist on 01823 357628 or email - [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk)

Guidance about procedures at the meeting follows the printed agenda.

This meeting will be open to the public and press, subject to the passing of any resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on

[www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)



**RNID typetalk**

# AGENDA

Item Constitution and Governance Committee - 2.00 pm Monday 18 July 2022

**\*\*Public guidance notes contained in agenda annexe\*\***

1 **Apologies for Absence**

To receive members' apologies

2 **Declarations of Interest**

Details of all Members' interests in District, Town and Parish Councils can be viewed on the [Council Website](#)

The Statutory Register of Member's Interests can be inspected via request to the Democratic Service Team.

Any new or updated declarations of interest will be received.

3 **Public Question Time**

The Chair will allow members of the public to ask a question or make a statement about any matter on the agenda for this meeting. **These questions may be taken during the meeting, when the relevant agenda item is considered, at the Chair's discretion.**

4 **Constitution and Governance Terms of Reference** (Pages 9 - 12)

To consider report.

5 **Stage 2 Consultation regarding Taunton Community Governance Review**  
(Pages 13 - 42)

To receive presentation

6 **Local Government Reorganisation Implementation Plan - report to follow**

To consider report and implementation plan

7 **Work Programme** (Pages 43 - 44)

To consider work programme for the Committee

8 **Constitution and Governance Committee meeting dates** (Pages 45 - 46)

To consider meeting dates for the Committee

Item Constitution and Governance Committee - 2.00 pm Monday 18 July 2022

9 **Any other urgent items of business**

The Chair may raise any items of urgent business.

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## Guidance notes for the meeting

### 1. **Council Public Meetings**

The former regulations that enabled virtual committee meetings ended on 7 May 2021. Since then, all committee meetings need to return to face-to-face meetings. The requirement is for members of the committee and key supporting officers to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

### 2. **Inspection of Papers**

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at [democraticserviceteam@somerset.gov.uk](mailto:democraticserviceteam@somerset.gov.uk) or telephone 01823 357628.

They can also be accessed via the council's website on [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers).

Printed agendas can also be viewed in reception at the Council offices at County Hall, Taunton TA1 4DY.

### 3. **Members' Code of Conduct requirements**

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

### 4. **Minutes of the Meeting**

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

### 5. **Public Question Time**

If you wish to speak, please contact Democratic Services by 5pm 3 clear working days before the meeting. Email [democraticserviceteam@somerset.gov.uk](mailto:democraticserviceteam@somerset.gov.uk) or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out.

After entering the Council building you may be taken to a waiting room before being taken to the meeting for the relevant agenda item to ask your question. After the agenda item has finished you will be asked to leave the meeting for other members of the public to attend to speak on other items.

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. However, questions or statements about any matter on the agenda for this meeting may be taken at the time when each matter is considered.

At the Chair's invitation you may ask questions and/or make statements or comments about any matter on the Committee's agenda – providing you have given the required notice. You may also present a petition on any matter within the Committee's remit. The length of public question time will be no more than 30 minutes in total (20 minutes for meetings other than County Council meetings).

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish.

If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

An issue will not be deferred just because you cannot be present for the meeting. Remember that the amount of time you speak will be restricted, to three minutes only.

In line with the council's procedural rules, if any member of the public interrupts a meeting the Chair will warn them accordingly.

If that person continues to interrupt or disrupt proceedings the Chair can ask the Democratic Services Officer to remove them as a participant from the meeting.

Provision will be made for anybody who wishes to listen in on the meeting only to follow the meeting online.

## 6. **Meeting Etiquette for participants**

- Only speak when invited to do so by the Chair.
- Mute your microphone when you are not talking.
- Switch off video if you are not speaking.
- Speak clearly (if you are not using video then please state your name)

- If you're referring to a specific page, mention the page number.
- Switch off your video and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

## 7. **Exclusion of Press & Public**

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask Participants to leave the meeting when any exempt or confidential information is about to be discussed.

## 8. **Recording of meetings**

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.

Please contact the Committee Administrator or Democratic Services on 01823 357628 or email [democraticservicesteam@somerset.gov.uk](mailto:democraticservicesteam@somerset.gov.uk) if you have any questions or concerns.

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Somerset County Council  
Constitution and Governance Committee  
– 18 July 2022

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**Constitution and Governance Committee Terms of Reference**

Lead Officer: Scott Wooldridge, Monitoring Officer and Strategic Manager–Governance & Democratic Services

Author: Clare Rendell, Senior Democratic Services Officer

Contact Details: [clare.rendell@somerset.gov.uk](mailto:clare.rendell@somerset.gov.uk)

**1. Summary**

**1.1.** The Constitution and Governance Committee was formed following the Annual General Meeting in May 2022. Its functions include responsibility to maintain an effective, up to date and legally compliant Constitution, considering proposals from Council Committees for changes to the constitutional arrangements of the Council, take all required decisions in respect of the County Council elections, overseeing the Council's input and response to boundary or electoral reviews as required by the Boundary Commission and developing the Constitution for the New Somerset Council.

**2. Recommendations**

**2.1. That the Committee notes the Terms of Reference as attached in Appendix 1.**

**3. Background**

**3.1.** At the Annual General Meeting on 25 May 2022, the Council approved to dissolve the existing Constitution and Standards Committee and establish a new Constitution and Governance Committee.

**3.2.** With the establishment of a new committee, the first order of business for the committee to consider is its Terms of Reference that were approved at the Annual General Meeting on 25 May 2022.

**4. Consultations undertaken**

**4.1.** The Committee meetings are open to all County Councillors to attend and contribute to its meetings.

**5. Background papers**

**5.1.** Further information can be found in the agenda pack for the Annual General Meeting held on 25 May 2022 and the Council's Constitution, both published on the council's website.

**Note** For sight of individual background papers please contact the report author

**CONSTITUTION AND GOVERNANCE COMMITTEE**  
**(13 elected members)**

***Groups / Seats***

**Chair: Theo Butt Philip**

**Vice Chair: Simon Carswell**

**Membership – elected members:**

Steven Pugsley Barry Clarke Christine Lawrence Sue Osborne	Con (4)
Helen Kay (Green) Hugh Davies (Independent)	Green/Labour/ Independent (2)
Theo Butt Philip Simon Carswell Dawn Johnson Martin Lovell Mike Murphy Richard Wilkins Alex Wiltshire	Lib Dem (7)

**Constitution and Governance Committee Terms of Reference**

**FUNCTIONS:** In summary, the Committee's main responsibilities relate to reviewing and updating the Council's Constitution and its governance framework.

Constitutional matters:

The Committee is responsible for:

- a) Maintaining an effective, up to date and legally compliant Constitution.
- b) Considering proposals from Council committees for changes to the constitutional arrangements of the Council.
- c) Approving in-year changes to individual parts of the Constitution and submitting an annual report to the Council recommending a revised Constitution for approval to the Council's Annual General Meeting. See notes below.
- d) Taking all required decisions in respect of the County Council elections.
- e) Overseeing the Council's input and response to boundary or electoral reviews as required by the Boundary Commission.
- f) Developing the Constitution for the new Somerset Council.

Notes: The delegation set out in (c) above excludes approval of:

- Any changes to the operational arrangements of the Council including the Committee structure – which will be referred to Council for approval as a recommendation
- The Scheme of Members' Allowances which is approved by the Council on the recommendation of the Joint Independent Remuneration Panel.
- The Council's executive arrangements, which are the responsibility of the Leader of Council.
- Any change to the Council's model of democratic governance under the Localism Act 2011.

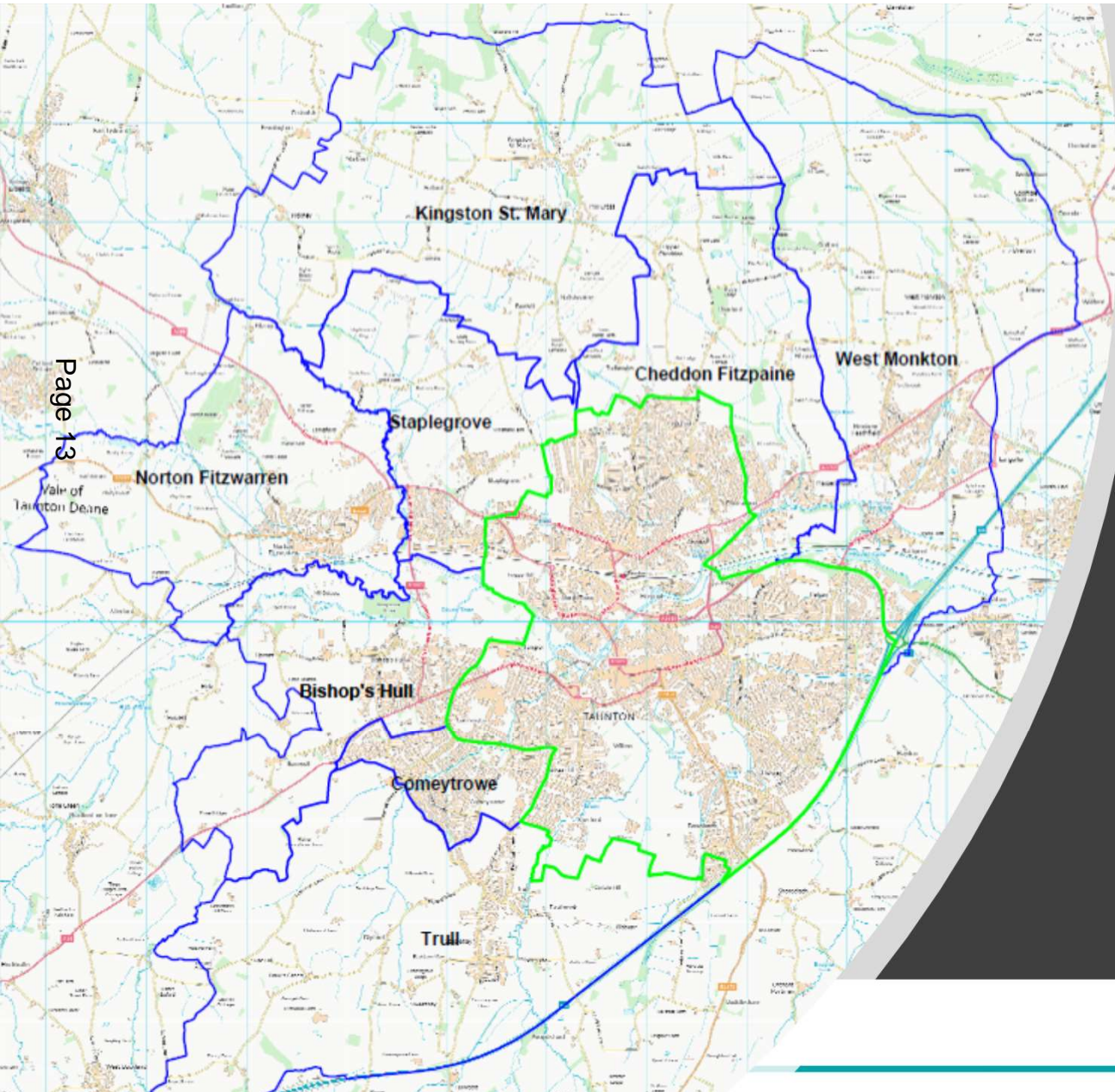
### **FORM AND COMPOSITION:**

The Constitution and Governance Committee comprises 13 elected members. Substitutes will be permitted for the elected members appointed to the Committee. The Chair is appointed by the Council on an annual basis.

### **QUORUM:**

A minimum of 5 elected members is required for a valid meeting of the Committee.

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# Somerset West and Taunton Community Governance Review

# What is a Community Governance Review?

- The objective of undertaking a community governance review is to ensure that local governance will continue to be effective and convenient and will reflect the identities and interests of local communities.
- **Why?**
- Unparished Area created in 1974 when the former Taunton Deane Borough Council was created.
- District Council can levy Special Expenses on the Unparished Area and has done in recent years to fund a grants programme that can pay for things a Town and Parish Council could - but this is limited.
- In March 2021 SWT resolved;
- *As per the resolution made by Taunton Deane Borough Council on 19<sup>th</sup> March 2018, that a Community Governance Review (CGR) of the Unparished Area of Taunton was commenced with a view to creating a new Town or Parish Council(s) from 1<sup>st</sup> April 2023.*
- A cross party Members Working Group was established to commence the Community Governance Review for the Unparished Area of Taunton (as per the Member Working Group Protocol approved by Council on 30<sup>th</sup> March). The CGR itself was then officially commenced on 12<sup>th</sup> November 2021 following a Council meeting in October that set the area for review.
- Creation of a Town Council was a commitment as part of the Unitary Business Case

# Community Governance Reviews

- *Local Government & Public Involvement in Health Act 2007*
- Principal Council powers to amend governance and electoral arrangements at parish/town council level
- Must carry out a Community Governance Review (CGR) before doing so
- Procedure for CGR not prescribed but must take into account Government guidance; consult and take into account any representations received; publish terms of reference and any recommendations

# Criteria for decisions

- Community governance arrangements to (*2007 Act, section 93*):
  - - Reflect the identities and interests of the community in the area; and
  - Be effective and convenient
  - Also to take into account (*Guidance, para 53*):
    - - Impact on community cohesion; and
    - - The size, population and boundaries of a local community or parish.



# Guidance

- Recommendations ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services
- ‘Place’ matters when setting up a new parish and place shaping to respond to challenges and opportunities
- Criteria is not set on likely precept/Council Tax implications

# Role of Working Group

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- The Member Working Group has made reports and recommendations to Full Council with regard to proposals for Terms of Reference for the review, proposals for consultation, any amendments to proposals after the public consultation, and the implementation of the final review recommendations.
- Met as a Community Governance Working Group regularly since May 2021 to consider the issues.
- Conducted research into other Councils that have recently undergone the CGR process e.g. Weymouth, Torbay, Kidderminster et al.
- Determined a detailed timetable and consultation programme for the CGR
- Worked on the Consultation Text and Terms of Reference.
- Engaged with the Charter Trustees, Boundary Commission and Department for Levelling Up Housing and Communities (DLUHC).
- Researched further into the financial aspects and assets and liabilities in the Taunton area with particular regard to Allotments.
- Took a report to Full Council in October 2021 where the geographical scope for the review was agreed and this also allowed for the Terms of Reference to be published and the review to formally start.
- Working Group Preferred Option approved by Full Council on 3<sup>rd</sup> March 2022

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## Next steps – timeline

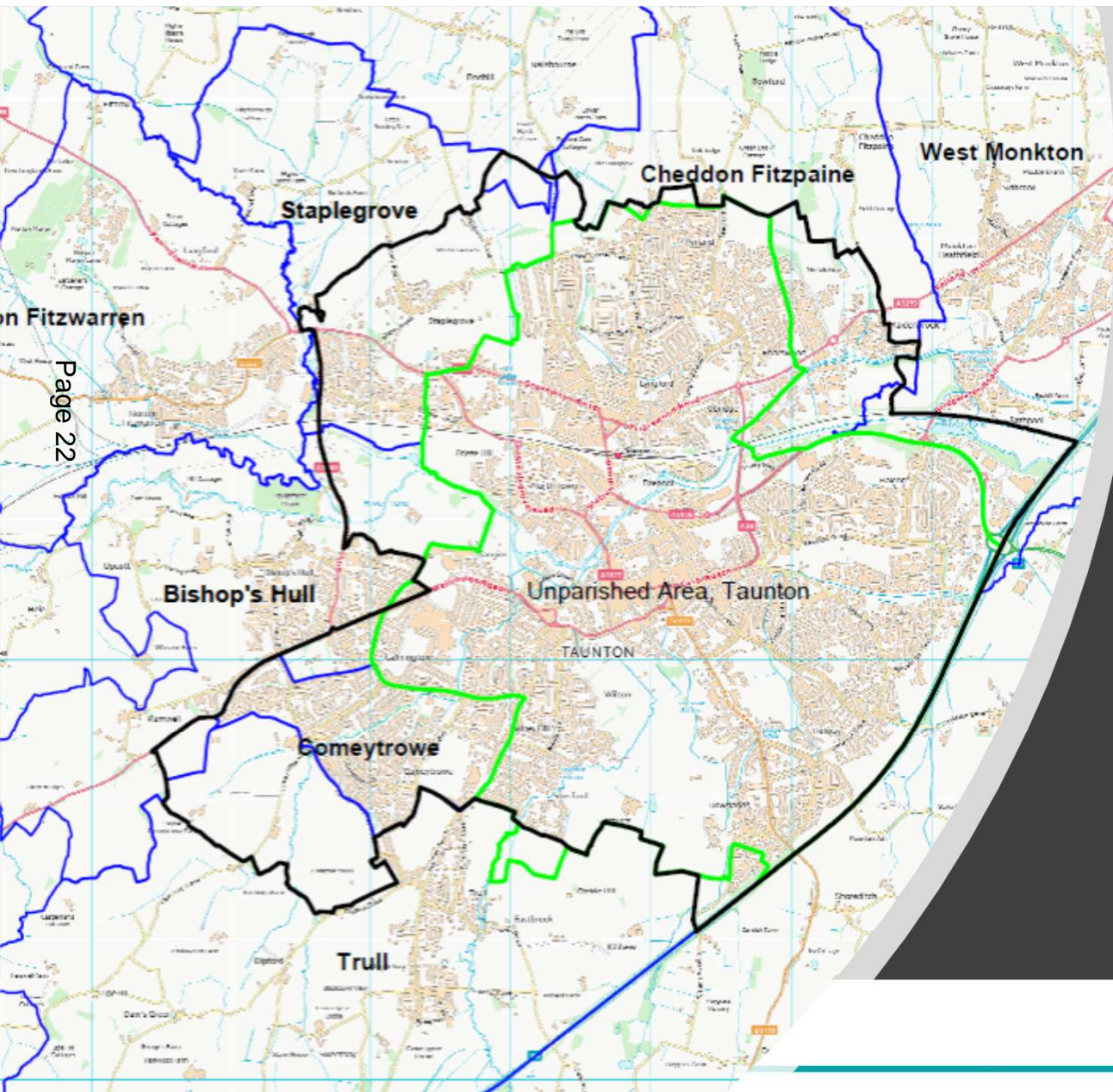
- June 14<sup>th</sup> – July 26<sup>th</sup> 2022 – 2<sup>nd</sup> Stage Consultation to take place on proposed option
- July 27<sup>th</sup> - August 24<sup>th</sup> 2022 – Analysis of results and preparation of any Council report.
- September 6<sup>th</sup> – SWT Full Council to approve final recommendations and any re-organisation order
- September/October – Special SCC Council meeting will be required to give effect to the Re-organisation Order under the Transitional regs

# Implementation phase

- October – Elections and Revenues and Benefits to make consequent final changes and calculations.
- Following that order being made the Council could create a Shadow Town Council to start to begin to help with the work required in advance of vesting day on 1<sup>st</sup> April 2023. (Appointees would likely be the Charter Trustees/County Councillors representing the area involved).
- Oct – April 23 – Finding premises, new website, staff resource, actioning any statutory transfers of assets/services, drafting Constitutional documents.
- Thursday 4<sup>th</sup> May 2023 – Elections to be held to the new Parish Council if created

# SCC Cllr involvement in the lead-up to Oct SCC FC

- Taunton Town Council Sub-Workstream as part of the Governance Workstream reporting through monthly as part of the LGR process.
- All Member Briefing to be set up – Date TBC
- Councillors on the Working Group: Cllrs D Perry (Chair) M Rigby (V Chair), J Hunt, S Coles, A Sully, N Cavill, L Lisgo, L Whetlor
- CGR/LGR Lead Member on the SWT Executive – Cllr S Wakefield
- Workstream Officers include those from SCC Democratic Services - Mike Bryant and Michelle Brooks



# Proposals for Stage 2 Consultation

# Stage 2 Consultation 14<sup>th</sup> June – 26<sup>th</sup> July

- Officers and Councillors on the Working Group have offered to attend meetings to give a presentation and take questions from Councillors/residents.
- Postcard below to circa 44,000 residents and businesses landing w/c 27<sup>th</sup> June 2022



# Background

- UPA of Taunton the only area in Somerset that does not have a Town or Parish Council to represent its residents.
- Note re: Terminology – once established a parish council serving an urban area may resolve to be called a Town Council. It is thought likely a parish council established to serve Taunton will do so.
- Somerset West and Taunton Council has recommended that a new parish should be created for Taunton and a council established to serve that parish. It has further recommended that the area to be covered by the new parish/town council should not be limited to the currently unparished area but should also take in areas of urban extension that have been developed over the years or are proposed into some surrounding parishes, so as to reflect the reality of the area covered by present-day Taunton and the community identity of its residents



# What kinds of services could a town or parish council provide and how much would it cost?

- There are almost 10,000 parish and town councils across England, with populations ranging from fewer than 200 to almost 100,000. The range of services provided varies accordingly and each town or parish council decides what, if any, services it will provide.
- The Working Group of Cllrs has looked at typical examples and the types of services that could be provided by a Town Council could be things such as parks maintenance, toilets, Car parks etc.
- There are a number of things that need to be established for vesting e.g. premises, allotments, civic regalia

# What kinds of services could a town or parish council provide and how much would it cost?

- A town or parish council itself decides what level of precept to charge but in the case of any new town or parish councils, the principal Council would set the precept for their first year of operation based on the estimated cost of the level of activity expected. In relation to service delivery and the level of precept, just as for any town or parish councils elsewhere in Somerset West and Taunton, a new Town or Parish Council could decide in future to take on additional services of the sort set out above, in negotiations with the new Unitary Council.

# Precept comparative data

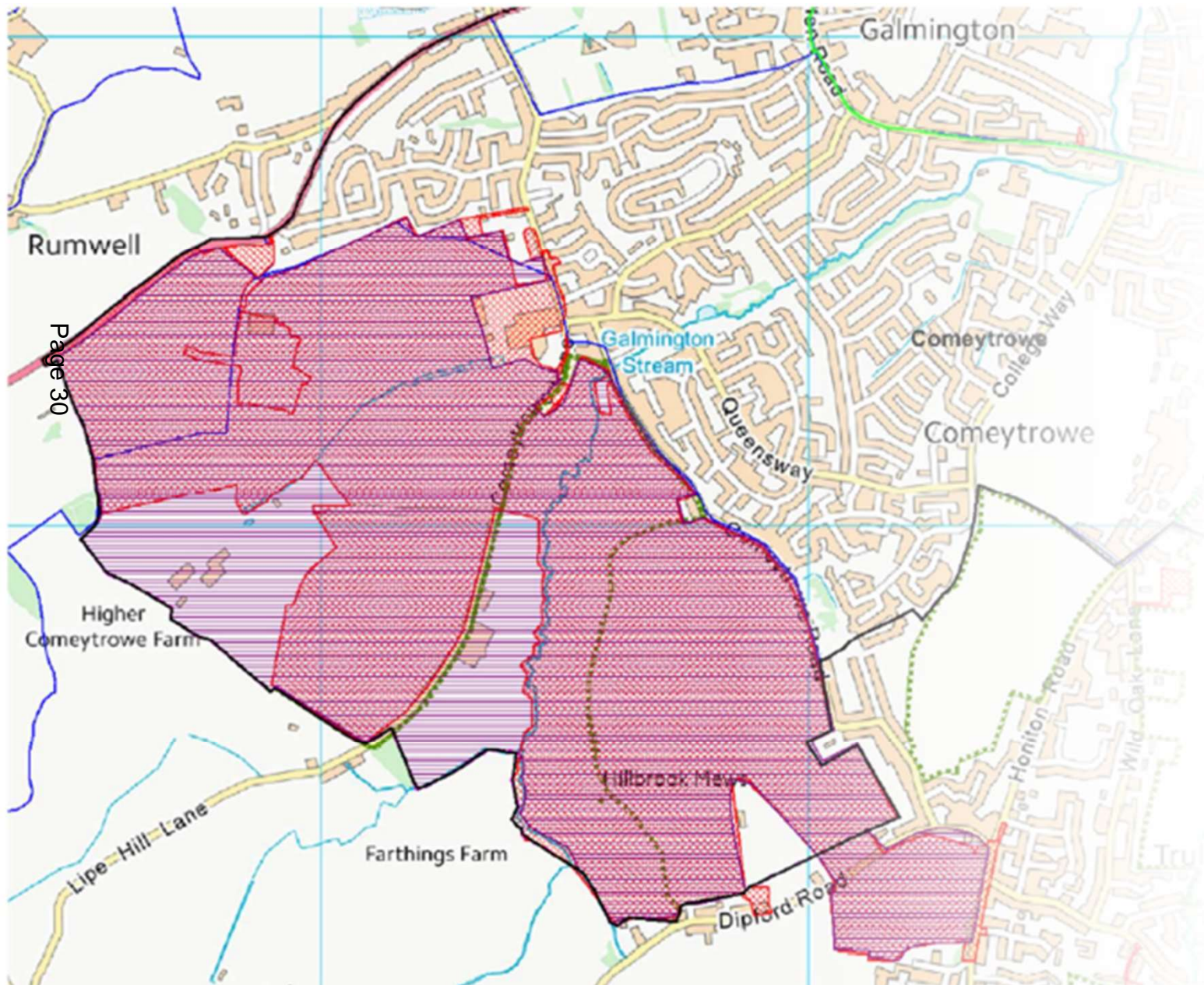
	2022/23 Tax Base (Band D Equivalents)	2022/23 Precept £	2022/23 Band D Rate £
Taunton Charter Trustees	15,255.85	58,722	3.85
<b>Total 'parish' council tax currently raised in the unparished area</b>	<b>15,255.85</b>	<b>87,815</b>	<b>5.78</b>
Parishes Considered within the Community Governance Review:			
Bishops Hull	1,213.94	35,400	29.16
Cheddon Fitzpaine	909.06	37,247	40.97
Comeytrowe	1,990.73	24,000	12.06
Kingston St Mary	431.98	12,385	28.67
Staplegrove	788.77	12,910	16.37
Trull	1,087.58	31,000	28.50
West Monkton	2,126.44	64,517	30.34
Selected other Town Councils:			
Minehead	4,238.04	753,261	177.74
Watchet	1,236.03	192,980	156.13
Wellington	5,376.16	413,677	76.95

# Costs

- As the level of services provided varies significantly between town or parish councils, so does the level of the precept that they charge Council Tax payers.
- For example, the average town/parish precept payable in 2022-23 by a Band D Council Tax payer within the Somerset West and Taunton Council area is £47.79 per annum.
- The national average Band D precept of all precepting parish and town councils in 21/22 the current year is £74.81 per annum.
- The Charter Trustees for Taunton for 22/23 precepted £58,722, from the Unparished Area of Taunton ratepayers. This was equivalent to £3.85 expenditure per Band D property.

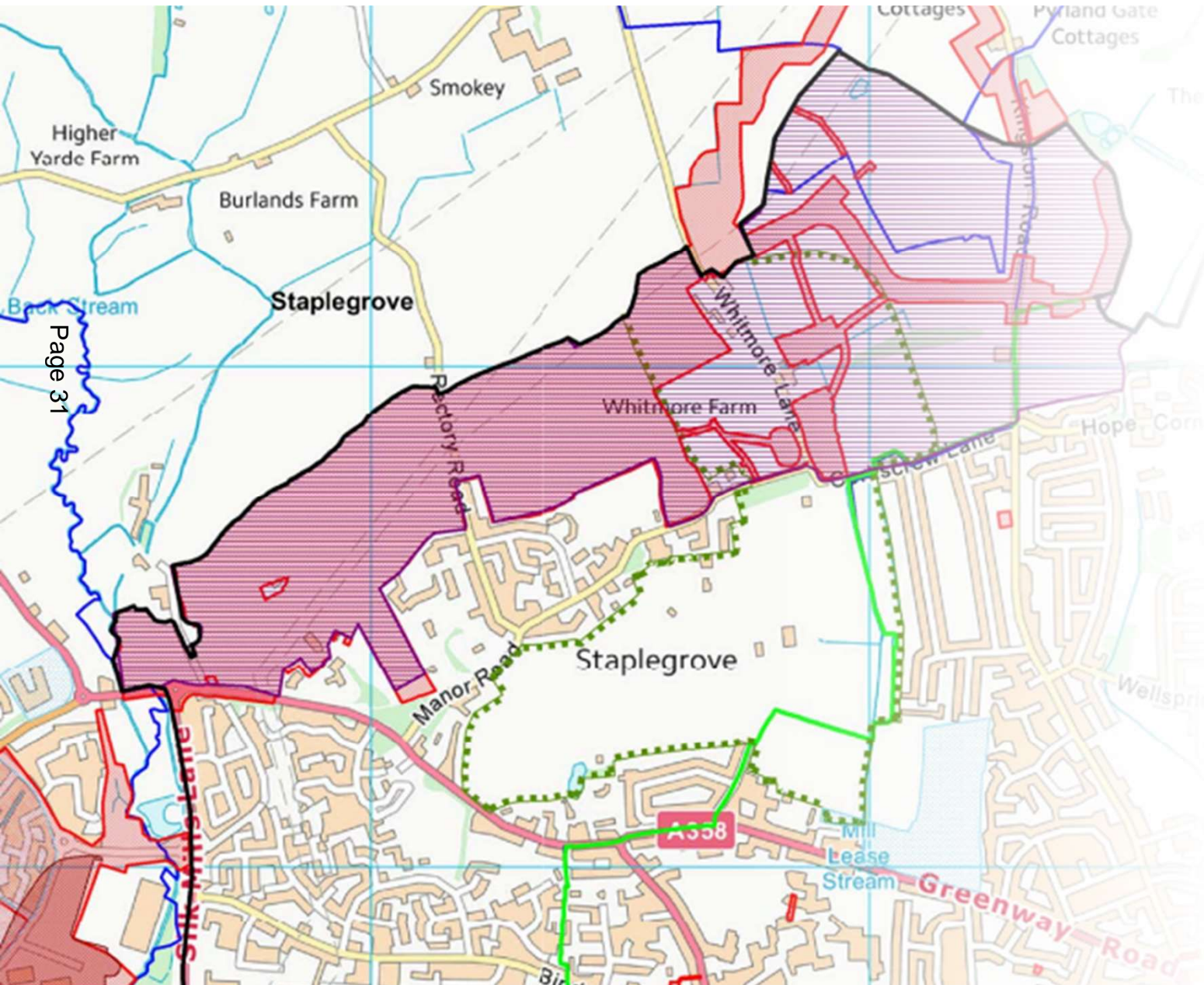
# Stage 2 Consultation Proposals

- That a single parish be created to serve the currently unparished areas of Taunton and that in addition:
  - **(i) Comeytrove Parish Council be abolished, and the entire area of Comeytrove Parish be included within the boundary of the proposed new Taunton Parish.**
  - (ii) The Killams Green area, currently within Trull Parish Council area, be included within the boundary of the proposed new Taunton Parish.
  - (iii) The part of the forthcoming development in the south-west corner of Taunton that currently falls within Trull Parish should be included within the boundary of the proposed new Taunton Parish.
  - (iv) The boundary of Trull Parish to the north-west of Cotlake Hill be altered to follow the green wedge around the Sherford urban area, with the small area to the south of that boundary that is currently within the unparished area of Taunton becoming part of Trull Parish.
  - **(v) The area covered by the Maidenbrook Ward of Cheddon Fitzpaine Parish Council, including several sites earmarked for housing development in the near future, be included within the boundary of the proposed new Taunton Parish.**
  - **(vi) The urban parts of Staplegrove Parish, including the entirety of the forthcoming development in the north-west corner of Taunton, be included within the boundary of the proposed new Taunton Parish.**



## Recommendation (i) and (iii)

- (i) *Comeytrove Parish Council be abolished, and the entire area of Comeytrove Parish be included within the boundary of the proposed new Taunton Parish.*
  
- (iii) *The part of the forthcoming development in the south-west corner of Taunton that currently falls within Trull Parish should be included within the boundary of the proposed new Taunton Parish.*



## **Recommendation (vi)**

*The urban parts of Staplegrove Parish, including the entirety of the forthcoming development in the north-west corner of Taunton, be included within the boundary of the proposed new Taunton Parish.*

# Stage 2 Consultation Proposals

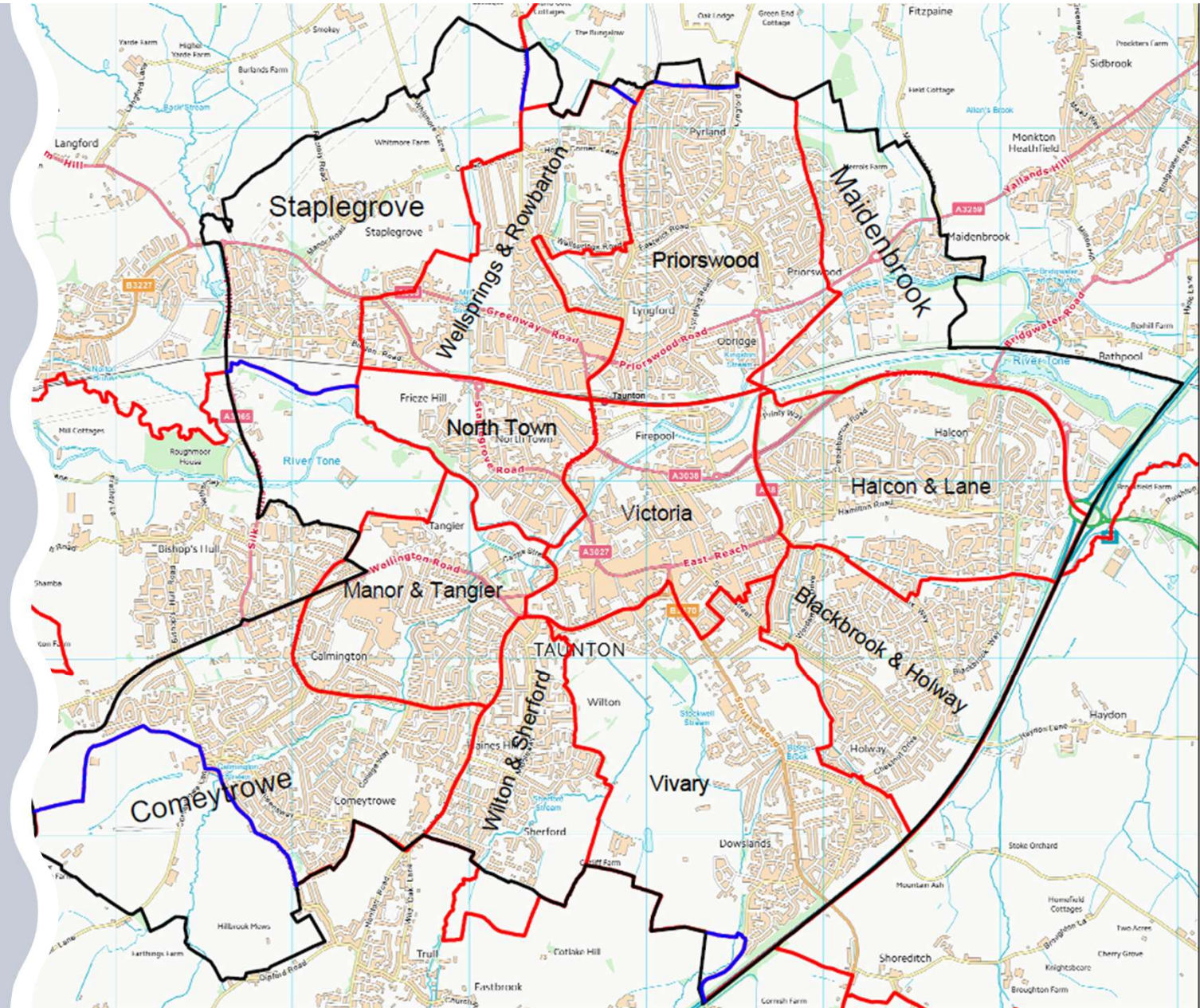
- (vii) The slim part of Staplegrove Parish jutting to the west of Silk Mills Lane be included within the boundary of Norton Fitzwarren Parish.
- **(viii) If the proposed changes bring about a remaining Staplegrove Parish area of fewer than 150 electors, that remaining area be merged with Kingston St. Mary Parish.**
- (ix) A small southern portion of the Kingston St. Mary Parish area, representing that part of the proposed Staplegrove East development that falls within the parish, be included within the boundary of the proposed new Taunton Parish.
- (x) With the exception of Galmington Trading Estate and a small section south of the A38 near Rumwell, no part of Bishops Hull Parish should become part of the proposed new Taunton Parish, and the small triangular residential area at the cross-section with Wellington Road, currently within the unparished area, should become part of Bishops Hull Parish.
- (xi) The Hankridge Retail Park, Creech Castle and the associated Toneway Road, currently within West Monkton Parish, be included within the boundary of the proposed new Taunton Parish, which should run along the railway to the M5.
- (xii) The boundary between Norton Fitzwarren Parish and Bishops Hull Parish, just north of Mill Cottages, be amended to follow the route of the railway line.
- (xiii) Further consideration be given to whether the current boundary between West Monkton and Cheddon Fitzpaine parishes between Maidenbrook and Yallands Hill south of the Country Park should be amended, for example by following the A3259 westwards to Maidenbrook Lane, in the light of any comments from the respective parish councils.



# Stage 2 Consultation Proposals

- B. That the new parish be named 'Taunton Parish' and that a parish council be established to serve the new parish with effect from 1 April 2023.
- C. That with the exception of the area described at A(xi) above, the area of West Monkton Parish Council be completely removed from further consideration of the review and its inclusion in any new Taunton Parish/Town Council.
- D. That the area of Norton Fitzwarren Parish Council be completely removed from further consideration of the review and its inclusion in any new Taunton Parish/Town Council.
- E. That the first elections to the proposed new Parish/Town Council for Taunton should be held on the ordinary day of elections (the first Thursday in May) in 2023.
- **F. That the Council established to serve the proposed new Taunton Parish should have a council size of at least 20 councillors, with the final number to be determined in the context of the proposals to be developed in regard to the warding arrangements within the new parish.**
- G. That the proposed new Taunton Parish be warded and that draft proposals for the warding arrangements, and those of any other warded parishes in the area under review, be developed for inclusion in the second stage of consultation.
- H. That no change be made to the number of Parish Councillors of any of the other continuing parishes within the area under review.
- 2.3 That a revised timetable for the second stage consultation and the remaining stages of the community governance review be agreed as set out in paragraph 11.3 to this report, including meeting(s) of the Working Group and Council, if necessary, to agree the final content of the second stage consultation.

# Electoral Arrangements - 20 Cllrs and 11 wards



<b>Blackbrook &amp; Holway</b>	Existing Blackbrook & Holway district ward.	4,646	2
<b>Comeytrove</b>	Existing Comeytrove Parish plus (i) adjacent part of the forthcoming development that is currently within Trull Parish; (ii) Galmington Trading Estate and small section south of the A38 near Rumwell, currently in Bishops Hull Parish.	4,629	2
<b>Halcon &amp; Lane</b>	Existing Halcon & Lane district ward plus Hankridge Retail Park, Creech Castle and associated Toneway Road, currently in West Monkton Parish.	4,351	2
<b>Maidenbrook</b>	Existing Maidenbrook ward of Cheddon Fitzpaine Parish, except for small section south of the Country Park and A3259 (to West Monkton Parish).	1,814	1
<b>Manor &amp; Tangier</b>	Existing Manor & Tangier district ward minus the small triangular residential area at the cross-section with Wellington Road (to Bishops Hull Parish).	2,426	1

<b>North Town</b>	Existing North Town district ward.	2,130	1
<b>Priorswood</b>	Existing Priorswood district ward.	6,686	3
<b>Staplegrove</b>	The urban parts of the existing Staplegrove Parish including the whole of the forthcoming development in the north-west corner of Taunton, plus the small southern portion of the existing Kingston St Mary Parish included in the proposed Staplegrove East development.	2,455	1
<b>Victoria</b>	Existing Victoria district ward.	4,125	2
<b>Vivary</b>	Existing Vivary district ward (including Killams Green area currently in Trull Parish).	3,762	2
<b>Wellsprings &amp; Rowbarton</b>	Existing Wellsprings & Rowbarton district ward.	4,418	2
<b>Wilton &amp; Sherford</b>	Existing Wilton & Sherford district ward minus the small area to the south of the green wedge around the Sherford urban area and to the north west of Cotlake Hill (to Trull Parish).	2,045	1
<b>Totals</b>		43,487	20

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# New Somerset Council

# The Questions;

- 3. Do you agree that Taunton should be represented by a Town Council?
- 4. Do you agree that a Town Council for Taunton could help to promote a sense of community in the town and promote community cohesion?
- 5. If a Town Council is established for Taunton, do you agree that its boundary should reflect the current reality of the town and include areas where urban development has occurred or is under way extending beyond the historic boundary?

# The Questions:

- 6. Do you agree with the proposal made by Somerset West and Taunton Council for changes at the parish level including the establishment of a new Taunton Town Council & consequential changes in a number of surrounding parishes?
- 7. Do you believe that services such as parks and open spaces, public toilets, control of litter, Car Parking and community events e.g. Christmas Lights Switch On are important to the place where you live? and if so, should town and parish councils consider providing such services if the principal council is unable to continue doing so?

# The Questions:

- 8. Do you agree that any new Taunton Town Council should be divided into wards for the purpose of electing Councillors to represent local people?
- 9. Do you agree with the proposal by Somerset West and Taunton Council that the number of Councillors to be elected to any new Taunton Town Council should be 20 and the ward boundaries and names should be as shown in the Map titled B?
- 10. If the parish and parish ward boundaries are changed as proposed, these will no longer match the corresponding district council ward boundaries or county division boundaries in some places, do you agree that LGBCE should be asked to amend the relevant boundaries where necessary to align them with the revised parish boundaries?

# Community Infrastructure Levy (CIL)

- The transfer of property , rights and liabilities from a abolished or changed Council are dealt with under regulation 7 of the local government parishes and parish councils England regulations 2008 - <https://www.legislation.gov.uk/uksi/2008/625/regulation/7/made>
- In simple terms this says that where a council is abolished or subject to an alteration in its area consisting of the loss of a transferred area then all property rights and liabilities which relate to the transferred area will be given to the transferee authority to which the transferred area transfers. i.e. **any unspent CIL receipts relating to development located in that part of a Parish Council's area that is being transferred to a Taunton Town Council should be paid over to TTC on the date of transfer 01/04/23.**
- SWT has no authority to set conditions as to how those transferred assets are handled and it does not appear thus could create any overarching condition that the transferred assets were used in one part of the new parish encompassing what may be called Taunton Town council. The discretion would lie with any new Town or Parish Council. Clearly where there is a transfer to more than one parish then a formula has to be created to deal with the proportions which is outlined in the regs based on population.
- There are limitations on what CIL can be spent on in terms of being used for infrastructure investment to support/mitigate the impact of development on the area.

# Neighbourhood Plan

- A neighbourhood planning area does not have to follow administrative boundaries and can encompass an area smaller or greater than a parish council's area.
- Community governance reviews and neighbourhood planning follow two separate processes. A community governance review will not automatically change a neighbourhood plan area, which will continue to exist for the originally designated area.
- Neighbourhood plan policies will remain in place and be enforced for the area of land that they cover even if that land becomes part of a different parish.



# Neighbourhood Plan

- However, a local planning authority can amend the boundary of a neighbourhood area after it has been designated, but only if the local planning authority is responding to a new application for a neighbourhood area to be designated. [Section 5 of the Neighbourhood Planning Act 2017](#) (which amended the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004) facilitates the amendment of neighbourhood areas and provides for what is to happen to any neighbourhood plan or order that has already been made in relation to that area. The explanatory memorandum to Section 5 of the 2017 Act states that 'This might be necessary, for example, where a community governance review leads to changes to a parish boundary or the creation of a new parish, or where parish councils choose to undertake neighbourhood planning together or to plan for their own area where they have previously acted together'.
- **Therefore any neighbourhood plan will in the first instance continue in force regardless of any change to the parish boundary.** Neighbourhood planning areas cannot overlap so if Taunton Parish decides to pursue a neighbourhood plan they would not be able to include their whole parish until such time as the NP expires or a PC decide to review their NP. Note that reviewing a made plan to change the NP area would require all statutory processes to be repeated, including area designation, consultation, examination and referendum.

# Any Questions?

## **WE WANT TO HEAR YOUR VIEWS**

Please tell us what you think about the matters above or any other issues concerning governance at the town or parish council level by **Tuesday 26th July 2022**. Link to the survey:

<https://yoursay.somersetwestandtaunton.gov.uk/governance/cgr2/>

Contact : Marcus Prouse, Specialist Governance & Project Lead  
[m.prouse@somersetwestandtaunton.gov.uk](mailto:m.prouse@somersetwestandtaunton.gov.uk) - 01823 219570

[governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

Somerset County Council  
Constitution & Governance Committee  
18 July 2022

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## Forward Work Plan

Lead Officer: Scott Wooldridge, Monitoring Officer

Author: Scott Wooldridge, Head of Governance & Democratic Services

Contact Details: [swouldridge@somerset.gov.uk](mailto:swouldridge@somerset.gov.uk)

Division and Local Member: All

### 1. Summary

- 1.1. This is a standing item for the Committee so that it can review and set its forward plan of work to support the delivery of the Council's priorities e.g the development of the new Somerset Council Constitution and its governance arrangements by February 2023.

### 2. Issues for consideration

- 2.1. Members are asked to review the LGR Implementation Programme and in particular the Governance Workstream in order to set its forward plan of work for 2022 and early 2023.

### 3. Background

- 3.1. The Committee's functions include its role in 'maintaining an effective, up to date and legally compliant Constitution' along with the 'developing the Constitution for the new Somerset Council'.

The County Council has maintained its Constitution for many years in line with legal requirements. This is reviewed annually at the Council's Annual General Meeting in May each year. The latest version of the Constitution and its supporting appendices is published on the Council's website at:

The development of the Constitution for the new Somerset Council needs to be completed by February 2023 so that it can be recommended for approval at the County Council meeting on 22 February 2023 ahead of vesting day on 1 April 2023.

The Committee has a key role in overseeing the development of the new Somerset Council's Constitution. That work should include reviewing the Constitution's of peer councils such as other former county councils that have undertaken local government reorganisation e.g. Buckinghamshire, Dorset, Wiltshire and Cornwall.

#### **4. Consultations undertaken**

- 4.1.** Members workshop held on 28 June to review potential areas of focus for the Committee with officers from Legal, Democratic Services and Local Government Reorganisation Programme Management Office.

#### **5. Implications**

- 5.1.** Any items requested not yet covered by the draft Forward Work Plan will require scheduling by officers, in conjunction with the Chair and Vice-Chair.

#### **6. Background papers**

- 6.1.** SCC Constitution

**Note:** For sight of individual background papers please contact the report author.

Somerset County Council  
Constitution and Governance Committee  
– 18 July 2022

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**Constitution and Governance Committee Meeting Dates**

Lead Officer: Scott Wooldridge, Monitoring Officer and Strategic Manager–Governance & Democratic Services

Author: Clare Rendell, Senior Democratic Services Officer

Contact Details: [clare.rendell@somerset.gov.uk](mailto:clare.rendell@somerset.gov.uk)

**1. Summary**

- 1.1.** The Constitution and Governance Committee was formed following the Annual General Meeting in May 2022.

Part of the work in establishing a new committee, is to propose the meeting dates to be added to the council's meeting calendar.

**2. Recommendations**

- 2.1. That the Committee agrees the proposed meeting dates, set out in section 3.2 of the report.**

**3. Background**

- 3.1.** At the Annual General Meeting on 25 May 2022, the Council approved to dissolve the existing Constitution and Standards Committee and establish a new Constitution and Governance Committee.

- 3.2.** With the establishment of a new committee, the Committee has been asked to approve the proposed meeting dates as follows:-  
Monday 18 July 2022  
Monday 12 September 2022  
Monday 17 October 2022  
Monday 5 December 2022  
Monday 30 January 2023

All meetings will commence at 2pm and will be held in the Luttrell Room at County Hall, Taunton.

**4. Consultations undertaken**

- 4.1.** The Committee meetings are open to all County Councillors to attend and contribute to its meetings.

**5. Background papers**

- 5.1.** Further information can be found in the agenda pack for the Annual General Meeting held on 25 May 2022, published on the Council's website.

**Note** For sight of individual background papers please contact the report author