

Report of the Leader and Executive – Items for Decision (Amended report 30 September 2022)

Executive Member: Cllr Bill Revans – Leader of the Council

Division and Local Member: All Taunton Divisions

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1. Summary

- 1.1** This report sets out the Leader’s and Executive’s recommendations to Council arising from their meeting on 21 September 2022 where the Executive considered and endorsed the proposals relating to the Community Governance Review of the unparished area of Taunton and eight neighbouring parish areas. The report to the Executive is set out in Appendix 1 for members to have due regards to along with the supporting report and appendices from Somerset West and Taunton Council (SWTC).

Taunton is the only area in Somerset that does not have a Parish or Town Council to represent its residents. For many years authorities have wanted to address this anomaly. The former Taunton Deane Borough Council resolved to do so in 2018 and its successor SWTC restated this commitment in March 2021 when it established a Community Governance Review Member Working Group. On 19 October 2021 SWTC considered a set of options presented by a Working Group set up to undertake the review and resolved to commence a community governance review of the unparished area of Taunton and eight neighbouring parish areas with the intention to implement a town council for all or part of that area and to consider any other changes that may be required to parish arrangements in the area under review.

- 1.2** The undertaking of a Community Governance Review for the unparished area of Taunton was also set out in the Unitary Council Business Case and it is one of the key governance products in Tranche 1 (essential to be delivered by vesting day of 1 April 2023) of the Local Government Reorganisation Implementation Plan. The Review has therefore been progressed on a collaborative basis by both SWTC and the County Council.
- 1.3** The community governance review and the proposed establishment of the

new parish/town council is taking place at the same time as the wider reorganisation of local government in Somerset including the creation of the new unitary authority. In accordance with the Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 responsibility for making any Reorganisation Order to give effect to the final recommendations of a community governance review during the transitional period for local government reorganisation rests with the continuing/successor authority. The attached report from Somerset West and Taunton Council (SWTC) therefore presents a draft Reorganisation Order for consideration by Somerset County Council.

- 1.4** Note re: terminology: A principal council may, following a community governance review, create, abolish, or alter the area of any parish within its area and may establish a parish council to serve a newly created parish. Once established a parish council in an urban area may resolve to be called a town council. It is thought likely that any council established to serve Taunton will do so. Therefore, this report uses the term 'parish/town council' when referring to the creation of a new Taunton Parish Council.
- 1.5** Somerset West and Taunton Council (SWTC) considered the Community Governance Review, including an addendum (published on their website and the County Council's website) and agreed the amended recommendations (set out in Appendix 2a) at its meeting on 29 September 2022. A number of representations were made at the meeting on behalf of some parish councils seeking amendments to the proposals. Cheddon Fitzpaine Parish Council has engaged legal advice and a letter (Appendix 6) is appended for members to have due regards to the specific concerns they raise. The County Council and SWTC have sought Kings Counsel opinion to review the concerns raised and legal officers are reassured that the risks of a successful legal challenge are very low.
- 1.6** The County Council is asked to refer to the decisions from SWTC's meeting and the supporting information provided when considering the proposals and prior to making its decision.
- 1.7** A plan illustrating the proposed changes to parish and ward boundaries that would result from implementation of the final recommendations above is set out at Appendix 'B' to the attached SWTC report (Appendix 2). In addition, full details of the Working Group's considerations, the reasons for each of its recommendations and detailed maps illustrating each proposed change are at Appendix 'C' in the attached SWTC report (Appendix 2).

2.0 Recommendations

2.1 That the Council confirms that it has considered and taken into account the responses received to the second stage consultation on the community governance review of the unparished area of Taunton and eight neighbouring parishes together with the considerations and recommendations of the SWTC Community Governance Review Working Group as set out in the attached report and appendices as required by the Local Government and Public Involvement in Health Act 2007.

2.2 That the Council notes that in the context of local government reorganisation it is the responsibility of Somerset West and Taunton Council to agree the final recommendations of the community governance review and the responsibility of Somerset County Council to make any Reorganisation Order to give effect to those recommendations.

2.3 That the Council notes that Somerset West and Taunton Council sought Somerset County Council Executive's agreement in principle to use a phased approach to transfer the assets and services starting with those identified in Appendix I, where reasonable practicable on 1 April 2023.

2.4 That the Council adopts the SWTC proposals for the final recommendations of the community governance review as follows:

A. That a new parish be created to include the currently unparished area of Taunton and that in addition:

- i) Comeytrowe Parish Council be dissolved, and the entire area of Comeytrowe 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 falls within Trull Parish, including the whole of the development north of Dipford Road, 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 urban area within the Maidenbrook Ward of Cheddon Fitzpaine Parish, including 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;

- 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) The remaining area of the existing Staplegrove Parish be included within the boundary of Kingston St. Mary Parish;
- ix) Staplegrove Parish Council be dissolved.
- x) 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.
- xi) With the exception of the River Tone flood plain to the east of Silk Mills Road at Longrun Meadow, Galmington Trading Estate and a small section south of the A38 near Rumwell, no part of Bishops Hull Parish be included within the boundary of the proposed new Taunton Parish;
- xii) The small triangular residential area at the cross-section with Wellington Road, currently within the unparished area, be included within the boundary of Bishops Hull Parish;
- xiii) 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;
- xiv) 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;
- xv) With the exception of the above, no part of the existing area of West Monkton Parish be included in the boundary of the proposed new Taunton Parish;
- xvi) No part of the existing area of Norton Fitzwarren Parish be included within the boundary of the proposed new Taunton Parish;
- xvii) the boundary between West Monkton and Cheddon Fitzpaine parishes between Maidenbrook and Yallands Hill south of the Country Park be amended to following the A3259 and new relief road westwards to Maidenbrook Lane.

- B.** That the new parish be named 'Taunton Parish' and that a parish/town council be established to serve the new parish with effect from 1 April 2023.
- C.** 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.
- D.** That the proposed new Taunton Parish be divided into wards for the

purposes of electing parish/town councillors.

- E.** That the total number of councillors to be elected to the proposed Taunton Parish/Town Council be 20 and the warding arrangements for the council and the number of councillors to be elected to represent each ward, be as set out at section 9.19 of the attached SWTC report (Appendix 2).
 - F.** That the electoral arrangements of certain other parish councils in the area under review be amended as set out at section 9.20 of the attached SWTC report (Appendix 2).
 - G.** That save as set out at A to F above, the existing parishes in the review area and the names, boundaries, council size and other parish governance arrangements in respect of those parishes remain unchanged.
 - H.** That the budget requirement for the new Taunton Parish/Town Council for the financial year 2023/24 be set at £2.114m as set out at section 11.7 of the attached SWTC report (Appendix 2).
 - I.** That temporary parish/town councillors as listed at section 11.20 of the attached SWTC report (Appendix 2) be appointed to serve as members of the new Taunton Parish/Town Council from 1 April 2023 until the councillors elected on 4 May 2023 take up office.
 - J.** That the Local Government Boundary Commission for England be requested to make changes to the boundaries of the relevant Somerset Council electoral divisions as necessary to ensure consistency between those boundaries and the revised Parish and Parish Ward boundaries made in this Community Governance Review.
- 2.5** That accordingly the Council should make the Somerset (Somerset West and Taunton) (Reorganisation of Community Governance) Order 2022 as attached in draft form at Appendix 'A' to give effect to the above recommendations.
- 2.6** That a Shadow Taunton Town Council be established with effect from 14 October 2022 and with membership as set out at section 13.6 of the attached SWTC report (Appendix 2), to lead and oversee the work to establish on 1 April 2023 the new Taunton Parish/Town Council.
- 2.7** That the Community Governance Review Working Group be wound up once the Reorganisation Order has been made, concluding the review.
- 2.8** That authority be delegated to the Chief Executive Officer and Monitoring Officer or Deputy, after consultation with the Leader of the Council and the Chair of the Shadow Taunton Town Council (if any), to take any action necessary to conclude the community governance review

in accordance with legislation and statutory guidance and to secure the implementation of the final recommendations of the review as set out in the Reorganisation Order.

- 2.9** That Council agrees that the S151 Officer will notify the Department for Levelling Up, Housing and Communities of the request Alternative Notional Amount for Council Tax purposes, reflecting the transfer of costs from current district council budget to the budget of the new parish/town council.
- 2.10** That the Council notes, further to 2.3 above, that the Executive agreed to the use of a phased approach to transfer the assets and services to the proposed new Taunton parish/town council starting with those identified in Appendix I, where reasonably practicable on 1 April 2023 and that officers from the County Council and Somerset West and Taunton Council work collaboratively ahead of vesting day to finalise the proposed assets and services to transfer for consideration and approval by the Executive.

3. Options considered and consultation undertaken

- 3.1** Appropriate consultation has taken place with local councils and others as part of the community governance review process as set out in the Communications and Consultation Plan and this will continue. Discussions with the Local Government Boundary Commission for England and Somerset County Council in connection with the review have taken place since July 2021.

4. Implications

- 4.1** As set out in Appendices 1 and 2 and their supporting appendices.

5. Background Papers

- 5.1** The background and supporting papers relating to the Community Governance Review is included within the SWT report attached at Appendix 2 and its supporting appendices

Appendix A	Draft Reorganisation Order for adoption by Somerset County Council
Appendix B	The Map annexed to the Draft Reorganisation Order illustrating the Working Group's Final Recommendations
Appendix C	Decision sheets setting out the Working Group's considerations and proposals for each of the areas under review and minutes of the Working Group meetings.
Appendix D	Map illustrating proposed warding of Taunton Parish/Town Council
Appendix E	Equalities Impact Assessment
Appendix F	Terms of Reference of the Community Governance Review
Appendix G	Draft Recommendations of the Community Governance

	Review
Appendix H	Full report on responses received to second stage consultation
Appendix I	Taunton Parish/Town Council draft budget requirement calculations 2023/24
	Addendum – setting out revisions, revised plans and the implementation plan