

Community Governance Review of the unparished area of Taunton and eight neighbouring parishes – report on second stage consultation and final recommendations

Executive Member(s): Cllr Bill Revans - Leader of the Council

Local Member(s) and Division: Taunton Divisions

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1. Summary / Background

- 1.1** 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 Somerset West and Taunton District Council (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.
- 1.3** The review began in November 2021 with a first stage of public consultation running until 12 January 2022. On 3 March 2022, SWTC considered the responses to that consultation and adopted the Community Governance Review Working Group's proposals for draft recommendations of the review. Those recommendations were subject to a second round of public consultation from 14 June 2022 to 26 July 2022.
- 1.4** The attached report from SWTC (Appendix 1 and its appendices A-I) sets out the responses received during the second stage consultation and proposes final recommendations for adoption as the outcome of the review. The final recommendations include:
 - The creation of a new parish to cover the currently unparished area

of Taunton as well as a number of areas of existing or proposed urban extension that are currently within neighbouring parishes;

- The establishment from 1 April 2023 of a parish/town council to serve the new parish; and
- A number of further changes to parish governance in the area under review and related electoral arrangements.

1.5 Appendix 1 makes further recommendations in connection with the new Taunton Parish/Town Council's budget requirement for the financial year 2023/24; assets and services to be transferred to the new council and arrangements to oversee the establishment of the new council including the appointment of a Shadow Town Council from October 2022.

1.6 This 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.

1.7 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.

2. Recommendations

2.1 That the Executive:

- 1) Endorses and recommends the report and recommendations 2.1-2.10 in the attached report of Somerset West and Taunton Council Community Governance Review Working Group to the Extraordinary meeting of the County Council on 5 October 2022.**
- 2) Agrees in principle, subject to the County Council making the Order, to use 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. Reasons for recommendations

3.1 The reasons for the recommendations can be found in the SWTC Decision sheets at Appendix C.

3.2 Making recommendations

Sections 87 to 92 of the 2007 Act provide that at the end of a community governance review the principal council must make recommendations as to:

- a) Whether (a) new parish(es) should be constituted and the name of any new parish;
- b) Whether any existing parishes should or should not be abolished or whether the area or name of any existing parishes should be altered;
- c) Whether any new or existing parishes should have, or should continue to have, a parish council; and
- d) What the electoral arrangements for new or existing parishes, which are to have parish councils, should be.

3.3 The principal council may also make recommendations about:

- a) The grouping or de-grouping of parishes;
- b) Adding parishes to an existing group of parishes; and/or
- c) Making related alterations to the boundaries of a principal council's electoral areas (see below).

3.4 Any changes to parish or parish/town ward boundaries made as a result of a community governance review do not automatically change the corresponding district ward or county division boundaries. In the interests of convenient local government, in the event that such changes are made the Council may make recommendations to the LGBCE that the Somerset Council division boundaries are realigned to follow the revised parish/parish ward boundaries. The LGBCE would require evidence that the Council has consulted on this as part of the review. Officers have been in consultation with the LGBCE since the commencement of this review.

3.5 In addition to the primary legislation quoted in this report, two pieces of secondary legislation are particularly relevant to a community governance review taking place during a period of Local Government Reorganisation. These are any relevant structural changes order (in this case the Somerset (Structural Changes) Order 2022); and the Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008.

3.6 Regulation 7(2) of the latter Regulations provides that where a predecessor council (i.e. Somerset West and Taunton) undertakes or has undertaken a

community governance review but has not exercised its powers to give effect to the review's recommendations before the beginning of the transitional period, 'Sections 86 and 96 to 100 of the 2007 Act shall have effect as if the successor council were the principal council.

- 3.7** This gives rise to a hybrid situation in which the District Council remains responsible for concluding the community governance review including adopting the final recommendations, but it will be the responsibility of Somerset County Council as the continuing authority to make any Reorganisation Order to give effect to those recommendations and to undertake subsequent duties including publicising the outcome of the review, notifying various statutory bodies and making any agreements about incidental matters between those public bodies affected by the reorganisation.
- 3.8** It is therefore important that both principal councils are involved in the development of the review's recommendations and in accord as to the agreed outcomes. Discussions at both member and officer level have therefore involved both authorities and the County Council's Constitution and Governance Committee and Executive have been kept informed of the developing proposals. The recommendations of this report include a draft Reorganisation Order (attached at Appendix 'A') which Somerset County Council will be invited to make at an extraordinary meeting of the County Council on 5 October 2022.
- 3.9** Section 93 of the 2007 Act requires principal councils to ensure that community governance within the area under review will be:
- reflective of the identities and interests of the community in that area; and
 - effective and convenient
- 3.10** The guidance states that when considering these criteria, councils should take into account factors including the impact of community governance arrangements on community cohesion; and the size, population and boundaries of a local community or parish. The guidance further states that 'the general rule should be that the parish is based on an area which reflects community identity and interest and which is of a size which is viable as an administrative unit of local government'.
- 3.11** In accordance with the above principles and the guidance, SWTC has set out policies in the terms of reference for the review including the following:
- "The Council notes the Government's continued commitment to town and parish councils and its guidance that it 'expects to see a trend in the creation, rather than the abolition, of parishes'" (para 6.2);
 - "It is important that the creation of any parish(es) should reflect distinctive and recognisable communities of interest, with their own sense of identity and that electors should be able to identify clearly with the parish in which they are resident. This information will therefore need to be gathered as part of the

- review.” (para 6.3);
- “The Council will wish to balance carefully the consideration of changes that have happened over time, for example through population shifts or additional development and that may have led to a different community identity, with historic traditions in the area.” (para 6.4); and
 - “The Council notes that the boundaries between parishes will often reflect the ‘no-man’s land’ between communities represented by areas of low population or pronounced physical barriers, either natural or man-made; and that ideally boundaries should be, and be likely to remain, easily identifiable.” (para 6.6)

3.12 The guidance states: ‘With local parish and town councils in mind, effective and convenient local government essentially means that such councils should be viable in terms of providing at least some local services, and if they are to be convenient they need to be easy to reach and accessible to local people’.

3.13 In accordance with the above principles and the guidance, SWTC has set out the following policy in the terms of reference for the review:

“The Council wishes to ensure that parishes should be viable as an administrative unit and should possess a precept that enables them effectively to promote the well-being of their residents and contribute to the provision of services in their area in an economic and efficient manner. Nevertheless, it is recognised that in a rural area a strong sense of community can prevail over a sparsely populated area” (para 6.5).

4. Other options considered

- 4.1.** Details of alternative options considered during the Community Governance Review are set out in the attached report from Somerset West and Taunton and its background reports.

5. Links to County Vision, Business Plan and Medium-Term Financial Strategy

- 5.1.** The undertaking of a Community Governance Review for the unparished area of Taunton was set out in the One Somerset Business Case agreed by the County Council and also the Local Government Reorganisation Implementation Plan.

6. Consultations and co-production

- 6.1.** 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.

7. Financial and Risk Implications

- 7.1** The budget has been drafted to include the costs of the Charter Trustees, the Special Expenses budget, the pro-rata budgets of the parishes moving within the boundary of Taunton, any costs expected to be incurred directly as a result of the formation of the Town Council, and income and costs currently incurred by Somerset West & Taunton Council relating to the services the new council will take over. These are identified in detail in Paragraphs 11.3 to 11.12 of the attached report from Somerset West and Taunton and in Appendix I.
- 7.2** As set out in paragraph 11.9 of the attached report from Somerset West and Taunton Council, it is necessary to adjust the council tax precept baseline as net costs transferred from SWTC budget are presumed to be fully funded by Council Tax. Further information is also set out in more detail in Appendix I.
- 7.3** Set up costs for the new parish/town council incurred prior to first of April will need to be borne by SWTC (as the Authority undertaking the CGR). We have absorbed such costs to date within the Internal Operations Budget. For the period October 2022 to March 2023, it is anticipated a budget will be required for further set up costs in advance of 1 April (e.g. an interim clerk, website, IT systems etc). It is estimated a budget requirement of between £40k and £80k is needed to support these next steps if the Reorganisation Order is approved. This amount will need to be added as a supplementary budget in 2022/23, funded from General Reserves, and is planned to be approved under delegated authority by SWTC's Director of Internal Operations and the S151 Officer.
- 7.4** Subject to the making of the Order, the County Council's Section 151 Officer will undertake any necessary adjustments to the development of the Medium Term Financial Plan 2023/24+ and the council tax precept proposals.
- 7.5** Any risks associated with this review have been discussed with SWTC's Member Working Group as the meetings have proceeded so that the Councillors on the Group could take an informed judgement of the situation.
- 7.6** Risks arising from the Secretary of State's decision to bring forward the ordinary county and parish council elections in Somerset 2023 to 5 May 2022 and the Returning Officer's publication of the Notice of Election for those polls during the period initially scheduled for the second stage consultation on the review were mitigated by delaying the launch of the second stage consultation until after those elections.
- 7.7** Subject to the in-principle approval of the Executive and the making of the Order by the Council, there will be the need for due diligence work by officers in collaboration with officers from Somerset West and Taunton before any specific assets and services for transfer are approved by the Executive. This joint work presents a further strain on existing corporate resources that are deployed in delivering the Local Government Reorganisation and will need to

be diverted to support the due diligence and implementation work regarding any potential asset and service transfers on 1 April 2023.

The potential capacity risks to the delivery of the LGR programme priorities will require regular review and collaboration on any mitigations needed from SCC and SWTC Senior Leadership Teams to ensure that the transition to the new Somerset Council and the tranche one products in the Somerset Council Implementation Plan are not compromised.

8 Legal and Human Resources Implications

- 8.1** The Strategic HR Lead for Somerset West and Taunton Council (SWT) has reviewed the position in relation to the application of TUPE and the proposed formation of the new Taunton Parish/Town Council. His assessment is that the only individuals likely to fall in scope for TUPE are any employed parish clerks whose activities will be amalgamated into that of the new Council.
- 8.2** It is unlikely that any SWT colleagues will be spending more than 50% of their time on activities that will be in future be in the scope of the new Council. That being the relevant test to decide if TUPE applies.
- 8.3** The Community Governance Review is being conducted in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 and statutory guidance issued in 2010 by the Secretary of State for Communities and Local Government (DCLG) and the Local Government Boundary Commission for England (LGBCE).
- 8.4** In addition to the 2007 Act, legislation relating to parishes can also be found in the Local Government Act 1972 (in particular, provision about parish meetings and councils, the constitution of a parish meeting, the constitution and powers of parish councils and about parish councillors).
- 8.5** Also of relevance are certain provisions of the Representation of the People Act 1983, the Somerset (Structural Changes) Order 2022, the Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008, the Local Government (Parishes and Parish Councils) Regulations 2008 and the Local Government Finance (New Parishes) (England) Regulations 2008.
- 8.6** In accordance with regulations issued under the Local Government Act 2000, functions relating to community governance reviews, including agreeing the recommendations of the review and making any Reorganisation Order, are not to be the responsibility of an authority's Executive.
- 8.7** The relevant legal provisions and implications are set out where appropriate in the main body of the report from SWTC.

9. Other Implications

9.1. Equalities Implications

An Equalities Impact Assessment (EQIA) is attached at Appendix 'E' in the attached report from Somerset West and Taunton Council.

9.2. Community Safety, Sustainability, Health and Safety, Health and Well-Being and Social Value Implications

No specific implications identified.

10. Scrutiny comments / recommendations:

- 10.1.** The proposed decision has not been considered by a Scrutiny Committee or the Local Government Reorganisation Joint Scrutiny Committee. The Council's Constitution and Governance Committee was updated on the Community Governance Review at its meeting in July 2022.

11. Background

- 11.1.** The background to the report is included within the SWT report attached at Appendix 1

12. Background Papers

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

Report Sign-Off

		Date completed
Legal Implications	Honor Clarke	12/09/22
Governance	Scott Wooldridge	13/09/22
Corporate Finance	Jason Vaughan	14/09/22

Customers, Digital and Workforce	Chris Squire	14/09/22
Property	Oliver Woodhams	14/09/22
Senior Manager	Paula Hewitt, Acting Chief Executive	14/09/22
Executive Member	Cllr Bill Revans - Leader of the Council	14/09/22
<u>Informed</u>		
Local Member	All Taunton County Councillors	It has not been possible to consult these members on the proposals in this report prior to publication
Opposition Spokesperson	Opposition Spokesperson - Leader - Cllr David Fothergill	It has not been possible to consult this member on the proposals in this report prior to publication
Scrutiny Chair	Scrutiny for Policies and Place Committee - Cllr Gwil Wren	It has not been possible to consult this member on the proposals in this report prior to publication

