

Somerset West and Taunton Council

Full Council – 29 September 2022

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

This matter is the responsibility of the Community Governance Review Working Group

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1 Executive Summary / Purpose of the Report

- 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 ('the Council') restated this commitment in March 2021 when it established a Community Governance Review Member Working Group. On 19 October 2021 the Council considered a set of options presented by the Working Group 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 review began in November 2021 with a first stage of public consultation running until 12 January 2022. On 3 March 2022 the Council 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.
- 1.3 This report 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.

- 1.4 The report 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.
- 1.5 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. This report therefore presents a draft Reorganisation Order for consideration by Somerset County Council.
- 1.6 **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 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 Community Governance Review Working Group as set out in this 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 Somerset West and Taunton Council seek 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 reasonably practicable on 1 April 2023.
- 2.4 That the Council adopts the Community Governance Review Working Group's 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) Comeytrove Parish Council be dissolved, 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 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 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 this report.
 - 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 this report.
 - 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 this report.
 - I. That temporary parish/town councillors as listed at section 11.20 of this report 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 Somerset County Council be recommended to 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 this report, 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 SWTC Chief Executive Officer and SWTC Monitoring Officer or Deputy, after consultation with the Leader of Somerset West and Taunton 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 Somerset County Council's 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 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 this report. 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' to this report.

3 Risk Assessment

- 3.1 Any risks associated with this review have been discussed with the Member Working Group as the meetings have proceeded so that the Councillors on the Group could take an informed judgement of the situation.
- 3.2 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.
- 3.3 An Equalities Impact Assessment (EQIA) is attached at Appendix 'E' to this report.
- 3.4 There are risks associated with the competing pressure on resources. Activity is needed to bring forward the work on asset transfers at the same time as undertaking the core business of the council and delivering on LRG workstreams. These risks have reduced by the proposed phasing of asset transfers and by starting with the least complex assets, those being parks and public toilets.

4 Community governance reviews

Background

- 4.1 Parish and town councils are the most local tier of local government. They are directly elected by local voters to represent their community and may raise their own precept (an amount added to the council tax in their area) and deliver services to meet local needs and improve community well-being.
- 4.2 The Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') provides that a principal council may review and make changes to the governance

arrangements for parishes and parish/town councils in its area, by undertaking a community governance review. This is a review of the whole or part of the district with a view to making recommendations on one or more of the following:

- Creating, merging or abolishing parishes;
- Boundary alterations between existing parishes;
- The naming of parishes and the style of new parishes;
- The establishment of parish councils;
- Electoral arrangements for parish councils (the year of election; number of councillors; warding);
- Grouping parishes under a common parish council or de-grouping parishes; and/or
- Other types of local arrangements, including parish meetings.

4.3 A community governance review may be triggered by a statutory petition or a formal 'application' in the terms of the 2007 Act, or the principal council may decide to undertake a review at any time, for example to address population changes, in response to a request from a town/parish council or other person(s), or as part of a periodic programme of reviews. Government guidance recommends that principal councils should undertake a review of their areas every 10-15 years. A community governance review offers an opportunity to address any parish boundary anomalies that may have arisen, for example due to new housing development, and to put in place clearly defined boundaries that follow enduring natural or built features and reflect community identities and interests.

4.4 Section 93 of the 2007 Act allows principal councils to decide how to undertake a community governance review, provided that they comply with certain duties including the need to publish the terms of reference and any recommendations of the review, to ensure that any proposals reflect the identities and interests of the community in the area and promote effective and convenient local government and to follow guidance issued by the Secretary of State and the Local Government Boundary Commission for England (LGBCE) ('the guidance'). In undertaking a review, the principal council must consult local electors and other interested parties including any other local authorities in the area under review. The manner in which the council consults is not prescribed but any representations received must be taken into account.

4.5 At the conclusion of a review the principal council may give effect to the recommendations of the review by making a Reorganisation Order. Any changes to parish boundary arrangements will normally come into effect on 1 April in the year following the Order whilst any revised electoral arrangements take effect at the next ordinary parish elections (which in Somerset are scheduled for 6 May 2027) but in relation to a newly-created parish/town council, the principal council may decide that the first elections to the new council shall take place in an earlier year.

Making recommendations

4.6 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.

4.7 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).

Related alterations - recommendations to the LGBCE

4.8 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.

Community governance review during Local Government Reorganisation

- 4.9 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.
- 4.10 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'.
- 4.11 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.

4.12 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.

5 The criteria for making recommendations about community governance

5.1 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

5.2 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'.

Community identities/interests and boundaries

5.3 In accordance with the above principles and the guidance, the Council 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)

Effective and convenient community governance

- 5.4 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’.
- 5.5 In accordance with the above principles and the guidance, the Council 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).

6 Community governance review of the unparished area of Taunton and eight neighbouring parishes

Background

- 6.1 On 19 October 2021 an extraordinary meeting of the Full Council resolved to commence a community governance review of the unparished area of Taunton and eight neighbouring parishes (Trull, Bishop’s Hull, Comeytrove, Norton Fitzwarren, Staplegrove, Kingston St. Mary, Cheddon Fitzpaine and West Monkton). This followed previous resolutions on this matter by the former Taunton Deane Borough Council and Somerset West and Taunton District Council itself.
- 6.2 Somerset County Council has also previously indicated a wish to see a community governance review undertaken and within both unitary business cases there was the expectation that a town council would be created for Taunton to enable their proposals to work effectively, i.e.:
- One Somerset Business Case: “The unitary council Shadow Executive would request a community governance review during the transition phase to enable a Taunton Town Council to be created and in place by vesting day”; and
 - Stronger Somerset Business Case: “We recognise the need to establish a Town Council for Taunton and commit to delivering this as part of our ongoing relationship with communities”.
- 6.3 The review began on 12 November 2021 with the publication of terms of reference (copy attached at Appendix ‘F’). The first period of public consultation ran until 12 January 2022, during which local residents and all interested parties were invited to make initial submissions on whether a parish/town council or councils should be established for Taunton and if so what area it/they should cover; any consequential changes to the eight neighbouring parishes included in the review and related matters; and any other points that they felt should be considered.
- 6.4 On 3 March 2022 the Council considered the responses to the first stage consultation and adopted the Community Governance Review Working Group’s preferred option as

the draft recommendations of the review. These draft recommendations are set out in full at Appendix 'G' and include the creation of a new parish to cover both the currently unparished area of Taunton and 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.

Second stage consultation

- 6.5 The draft recommendations were subject to a second round of public consultation that ran from 14 June 2022 to 26 July 2022. A range of methods and channels were used to publicise the draft recommendations and invite electors and others to respond including those used during the first stage consultation as well as a number of additional activities including:
- Notification to the relevant parish councils and to Somerset County Council, Somerset Association of Local Councils and the Taunton Charter Trustees;
 - Notification to elected representatives for the areas under review;
 - Information to businesses and local voluntary and community groups based in the areas under review;
 - A dedicated page for the review on the Council website with an online form for responses and periodic links from the home page;
 - Press releases and social media posts;
 - Paper-based consultation questionnaires available on request;
 - Face-to-face;
 - Attendance by officers and members of the Working Group at parish council/charter trustee meetings;
 - A post card delivered to all residential addresses in the area under review drawing attention to the consultation and providing a link to the online form and a telephone number to obtain a hard copy; and
 - Town Centre and parish publicity stands and drop-in sessions.
- 6.6 Responses were accepted by post, e-mail or via the online form or a hard copy version of the form available on request.

7 Responses to the second stage consultation - summary

- 7.1 A total of 501 responses were received to the second stage consultation. Of these 418 respondents completed the online consultation proforma, including 409 local residents and smaller numbers of local employees, business persons and representatives of community organisations.
- 7.2 In addition to the online respondents, 50 further persons completed paper questionnaires and 33 responses were received by email, from both individuals and organisations including seven of the eight parish councils included in the review, the Taunton Charter Trustees, Somerset Association of Local Councils and Taunton Labour Party. All of the responses received to the second stage consultation are set out in the consultation report at Appendix 'H' to this report. Information from other

councils that have undertaken community governance reviews suggests that the number of responses received is not untypical of rates achieved for this type of consultation elsewhere.

- 7.3 Based on postcode information provided by the respondents, at least 388 responses came from residents of, or persons connected with, the area under review. The largest single group (129) were from the currently unparished area but responses were received from residents of all parishes under review as well as from elsewhere in the district.
- 7.4 Information on the specific responses received to each question in the second stage consultation and the substantive issues raised by respondents from and in respect of each of the areas included in the review are set out in the following paragraphs.

8 Considerations and the Community Governance Review Working Group's recommendations

- 8.1 The second stage consultation responses were considered by the Community Governance Review Working Group on 16, 19 and 25 August and 6 September 2022 - The Working Group considered the responses in the context of the statutory criteria and guidance and the policies for the review as set out in the terms of reference.
- 8.2 The following paragraphs set out in turn the key issues raised by respondents in relation to each element of the draft recommendations, the Working Group's considerations and proposals in respect of the final recommendations of the review.

(a) A parish and parish/town council for Taunton

- 8.3 The draft recommendations propose that a single parish should be created to include the currently unparished areas of Taunton as well as areas of urban extension that have been developed over the years or are proposed within a number of neighbouring parishes. The new parish would be named 'Taunton Parish' and a parish/town council would be established to serve the new parish with effect from 1 April 2023.
- 8.4 Section 94 of the 2007 Act provides that where a council creates a new parish, if that parish has 1,000 or more local government electors the principal council must also recommend that a parish council be created to serve the new parish.
- 8.5 The Working Group noted that 79% of respondents to the second stage consultation answered 'yes' to the question 'Do you agree that Taunton should be represented by a town council?' and that 72% agreed that 'A town council for Taunton could help to promote a sense of community in the town and promote community cohesion.
- 8.6 The Working Group considered that the creation of a Taunton Parish and parish/town council would address the historic anomaly of part of Taunton being, since at least the reorganisation of local government in England in 1974 and the establishment of Yeovil Town Council in 1982 and Bridgwater Town Council in 2003, the only unparished area in Somerset and that the establishment of a parish/town council would enable the

residents of Taunton to be properly represented alongside other areas in negotiations with the new unitary authority on any devolution framework plans.

8.7 On the question of whether the new parish should extend beyond the unparished area to also take in the parts of neighbouring parishes identified in the draft recommendations, 54% of respondents to the second stage consultation answered 'yes' to the question '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?'

8.8 In light of these responses and subject to further consideration as set out in the following paragraphs of the precise boundary of the new parish, the Working Group **resolved to confirm its recommend that a new parish be created to include both the existing unparished area of Taunton and further areas currently within neighbouring parishes as set out below, that the new parish be named 'Taunton' and that a parish/town council be established to serve the new parish with effect from 1 April 2023.**

(b) The boundaries of a new Taunton Parish

8.9 In relation to the detail of the areas to be included within the boundary of the proposed Taunton Parish/Town Council, the second stage consultation responses were mixed. Overall, 44% of respondents agreed with the complete package of proposals set out in those draft recommendations for changes at the parish level, whilst 49% did not agree.

8.10 Drilling down into the detail of the consultation responses and in particular those to the question 'Which aspects of the proposal do you think should be changed?' reveals that there were varying views on this matter on the part of respondents from different geographical areas.

8.11 The most common theme mentioned by respondents who did not support the proposal was the proposed inclusion of certain existing parished areas, which some respondents considered should not be included in the proposed Taunton Parish/Town Council area. In numerical terms, over half of the respondents who answered 'no' to the questions at paragraphs 8.7 and 8.9 above came from three parishes to the north of the unparished area – Cheddon Fitzpaine (the highest number), West Monkton and Staplegrove.

8.12 Some suggested additions to the proposed area of the Taunton Parish were put forward by a small number of respondents – in relation to the area under review, these included all or part of the parishes of Bishops Hull and Norton Fitzwarren as well as the Monkton Heathfield Urban Extension.

8.13 The Working Group noted that the guidance required that consideration be given to the statutory criteria of community identities and interests and effective and convenient local government as they applied to each of the communities within the area under review. The Working Group therefore looked in turn at each element of the draft recommendations in the context of the consultation responses and the statutory criteria

and considered in each case whether any changes to the draft recommendations should be made.

- 8.14 Decision sheets included at Appendix 'C' to this report record in detail the Working Group's considerations, its recommendations and the reasons for those recommendations in relation to each of the following elements (NB these are listed below in the order in which they appear in the draft recommendations).

(c) Comeytrove Parish

- 8.15 The draft recommendations proposed that Comeytrove Parish Council should be abolished and the entire area of Comeytrove Parish should be included within the boundary of the proposed new Taunton Parish.
- 8.16 This recommendation was based on the Council's judgement that the sense of place of those within Comeytrove as identified in the responses to the first stage consultation did not display strong feeling for local distinctiveness or local identity to the parish separate from Taunton. The Council had noted that the guidance was clear that parish areas should "reflect local identities and facilitate effective and convenient local government. For example, over time, communities may expand with new housing developments. This can often lead to existing parish boundaries becoming anomalous as new houses are built across them resulting in people being in different parishes from their neighbours" (para 84). Comeytrove was considered a strong example of such an area and the new development of two thousand homes would strengthen this expansion and further change the character of the area.
- 8.17 32 responses to the second stage consultation were received from respondents identifying themselves as residents of Comeytrove Parish. Of these, 78% agreed that a town council for Taunton could promote a sense of community and community cohesion, 63% agreed that the boundary of the town council should reflect the current reality of the town including urban extensions and 50% agreed with the package of proposals in the draft recommendations (with 41% disagreeing). Comeytrove Parish Council also responded, stating 'The Parish Council are not convinced of the reasons given or the case being made for the proposal, although the Parish Council understands the strategic benefit to Taunton, the Parish Council remains to be convinced that there is a creditable benefit to the residents of Comeytrove'.
- 8.18 On the basis of the responses received the Working Group did not consider that any compelling case had been made to vary the draft recommendation and **therefore resolved to confirm its recommendation that Comeytrove Parish Council be dissolved and the entire area of Comeytrove Parish be included within the boundary of the proposed new Taunton Parish.**

(d) Trull Parish

- 8.19 The draft recommendations included three proposals affecting Trull Parish:
- That the Killams Green area, currently within Trull Parish Council area, be included within the boundary of the proposed new Taunton Parish;

- That the part of the forthcoming development in the south-west corner of Taunton that falls within Trull Parish should be included within the boundary of the proposed new Taunton Parish; and
- That 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.

- 8.20 Ten responses to the second stage consultation were received from respondents identifying themselves as residents of Trull Parish. In addition an email response was submitted by Trull Parish Council.
- 8.21 No specific adverse comments were received in relation to the Killams Green nor Sherford proposals. In respect of the Orchard Green development a majority of the ten responses did not support the proposal. The reasons given for this included the separate character and identity of village areas, Neighbourhood Planning and Community Infrastructure Levy (CIL) implications, the electoral calendar and the number of existing parish vacancies. One respondent suggested a number of alternative boundary options based around the Galmington Stream Green Space instead of the whole development being taken into the town council's area.
- 8.22 Trull Parish Council agreed to accept the proposal as it stands but was of the opinion that an additional area towards the south-east end of the Orchard Grove development, being the playing field and plots 42 to 47 to the north of Dipford Road, should stay within Trull rather than being included in the proposed Taunton Parish.
- 8.23 The Working Group noted its previous considerations that the new development at Orchard Grove would exacerbate the urban extension of the community in the Comeytrove area and that its residents, like those in Comeytrove, would be likely to look to Taunton for carrying out their activities in the pattern of their daily life. The Working Group had received advice from the Planning Policy officers on the expected timescale of the completion of the development as well as its effect on the electoral arrangements on Trull Parish. The size, population and borders of this development would have a large impact on Trull Parish governance arrangements and community cohesion if left as is.
- 8.24 The Working Group noted the relatively low number of responses to the second stage consultation from the Trull area. The Working Group considered the points raised by those persons who had responded but overall considered that these did not outweigh the logic behind the draft recommendations as set out above.
- 8.25 In relation to the amendment to the boundary proposed by Trull Parish Council, the Working Group expressed concern at the principle of splicing development and a desire to remain consistent in applying reasoning to the boundaries, feeling that the Parish Council's suggested boundary was more artificial than that consulted on. Members noted the Parish Council's concerns regarding delivery of the playing fields but noted that this would depend on the availability of CIL funding, of which the principal council was the main holder. Taking all factors into account, the Working Group considered that the draft recommendations should be confirmed and that these

would both reflect local identities and facilitate effective and convenient local government.

8.26 The Working Group therefore **resolved to confirm its recommendations in relation to the boundary between Trull Parish and the proposed new Taunton Parish as follows:**

- **That the Killams Green area, currently within Trull Parish Council area, be included within the boundary of the proposed new Taunton Parish;**
- **That 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; and**
- **That 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.**

(e) Cheddon Fitzpaine Parish

8.27 The draft recommendations proposed that the urban area within the Maidenbrook Ward of Cheddon Fitzpaine Parish Council, including sites earmarked for housing development in the near future, should be included within the boundary of the proposed new Taunton Parish.

8.28 In coming to this recommendation, the Council had considered that whilst the rural parts of Cheddon Fitzpaine Parish had a distinctive identity and sense of place separate from Taunton, the currently urban area of Nerrols Farm felt part of Taunton and in reflecting the identities and interests of these residents these areas should be included within the proposed Taunton Parish/Town Council area. The influence of development over the past twenty years in this particular area was an example whereby paragraph 84 of the guidance came into play with the urban growth of Taunton meaning that neighbours lived in different parishes. Absorbing this area into the proposed Taunton Parish/Town Council area would restore Cheddon Fitzpaine Parish back to its previous identity as a village parish.

8.29 112 responses to the second stage consultation were received from respondents identifying themselves as residents of Cheddon Fitzpaine Parish. Of these, 85% did not agree that the boundary of any Taunton Parish/Town Council should take in areas of urban extension and 91% did not support the overall draft proposals.

8.30 Cheddon Fitzpaine Parish Council did not submit a formal response but had done so in the first stage consultation, when it had also provided the results of a separate survey which it had undertaken of local residents.

8.31 The Working Group considered the matters raised, noting that many of the responses from Cheddon Fitzpaine were blanket negative ones without detailed reasons given. A comment was made that the guidance had not been engaged for example when

questioning the viability of the Parish on a reduced electorate, when 150 was considered the minimum for a viable Parish.

- 8.32 The abolition of Cheddon Fitzpaine as a Parish was ruled out, as no response from the Parish had requested such a thing, bar a response requesting the inclusion of the whole Parish to ensure Hestercombe House was included. This was also considered and rejected.
- 8.33 The Working Group, having taking into account the consultation responses and the statutory guidance were in unanimous agreement with not amending the proposal. It was considered that the growth of Taunton had led to these new estates in Cheddon Fitzpaine Parish and they had no integral relation to the village centre, so the merit in that argument was considered weak. The proposal would revert Cheddon Fitzpaine as a locality to its status pre-2000. Specifically in discussion of the future maintenance of the country park which had been raised in responses, this was seen as an asset that any future Town Council would surely have some role in supporting even though it would remain in Cheddon Fitzpaine. It was stated that the maintenance agreement in relation to the park is proportionate so the reduction in electors would not harm the viability of a future Cheddon Fitzpaine Parish to play its role in supporting the Country Park.
- 8.34 The Working Group therefore **resolved to confirm its recommendation that the urban area within the Maidenbrook Ward of Cheddon Fitzpaine Parish, including sites earmarked for housing development in the near future, should be included within the boundary of the proposed new Taunton Parish.**

(f) Staplegrove Parish

- 8.35 The draft recommendations included three proposals affecting Staplegrove Parish:
- That 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;
 - That the slim part of Staplegrove Parish jutting to the west of Silk Mills Lane be included within the boundary of Norton Fitzwarren Parish; and
 - That if the proposed changes bring about a remaining Staplegrove Parish area of fewer than 150 electors, that area be merged with Kingston St. Mary Parish.
- 8.36 In coming to the above recommendations, the Council had noted that Staplegrove Parish included distinct urban and rural parts. In relation to the urban parts, including the forthcoming development in the north-west corner of Taunton, the Council had considered that the feedback from the first stage consultation did not demonstrate a strong local distinctive character in this area and that considering all of the evidence the sense of place, identities and interests and for local government to remain effective and convenient, this area would be better reflected in being within the proposed Town Council boundary. The application of paragraphs 83 and 84 of the guidance in terms of growth outside the boundary of the unparished area very much applied and this would be exacerbated by the new development of the urban growth.

- 8.37 In relation to the third of the above draft recommendations, electorate projections show that the proposed changes would reduce Staplegrove Parish's electorate to just 80 electors in 2027. This is not considered viable in terms of the guidance, which states '... [parish] councils should be viable in terms of providing at least some local services ...'
- 8.38 51 responses to the second stage consultation were received from respondents identifying themselves as residents of Staplegrove Parish. Of these, 72% did not agree that the boundary of any Taunton Parish/Town Council should take in areas of urban extension and 87% did not support the overall draft proposals.
- 8.39 Staplegrove Parish Council also responded, stating that the Parish Council supports the establishment of a Town (Parish) Council for the unparished area of Taunton but does not agree that Staplegrove should be absorbed into Taunton Town and its parish council abolished. The Parish Council's opposition is based on what it sees as a reduction in local democratic representation, uncertainty regarding the timescale for any future housing development, service delivery factors and inconsistency. The Parish Council suggested that Staplegrove could join the Taunton Council at a later date if this was deemed the best way for the residents to be represented.
- 8.40 The Working Group considered the matters raised by respondents and the Parish Council. Members felt the development was key in this context, and they had received assurances from officers on the development's progress. The argument put forward regarding the green space used as playing fields was considered not a strong one as it was of a similar character to many other areas in the town and did not create a divisible wedge between communities.
- 8.41 In relation to the area of bat mitigation on the edge of the area of development, that was proposed to be left within Kingston St Mary Parish, the Working Group received advice from Planning officers but concluded that there was no overriding case to vary the proposals.
- 8.42 The Working Group therefore **resolved to confirm its recommendations in relation to Staplegrove Parish as follows:**
- **That 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;**
 - **That the slim part of Staplegrove Parish jutting to the west of Silk Mills Lane be included within the boundary of Norton Fitzwarren Parish;**
 - **That the remaining area of the existing Staplegrove Parish be included within the boundary of Kingston St. Mary Parish; and**
 - **That Staplegrove Parish Council be dissolved.**

(g) Kingston St Mary Parish

- 8.43 In addition to the proposed incorporation of the rural part of the existing Staplegrove Parish mentioned above, the draft recommendations proposed that a small southern portion of the Kingston St Mary Parish area, representing that part of the proposed

Staplegrave East development that falls within the parish, should be included within the boundary of the proposed new Taunton Parish.

- 8.44 In coming to this recommendation, the Council had considered that the rural nature of Kingston St Mary Parish – including the potential addition of the rural parts of Staplegrave Parish as proposed above - gave it a distinctive identity and sense of place and that therefore the parish and its council should remain a separate entity from Taunton. However, in relation to the forthcoming Staplegrave East development, the Council had agreed that the residents of this development were likely to identify more closely with Taunton than with Kingston St Mary. The recommendation was therefore based on the sense of place and to reflect the identities and interests of the area, and took into account Kingston St Mary Parish Council's own concerns about the impact of this development on the cohesion and character of the Kingston St Mary village.
- 8.45 Only three responses to the second stage consultation were received from respondents identifying themselves as residents of Kingston St Mary Parish. Although two of these did not support the proposals, the Working Group noted the low number of responses. Kingston St Mary Parish Council also responded, welcoming the draft recommendations that Kingston St Mary should remain a stand-alone rural parish and that parish boundaries should be re-drawn to exclude the part of the proposed Staplegrave East housing development which extends into Kingston St Mary. The Parish Council expressed surprise at the proposal to incorporate the rural part of Staplegrave Parish into Kingston St Mary and suggested an alternative scenario of using the A358 as the boundary between Taunton and Staplegrave, but undertook to proactively represent and welcome the residents of the rural part of Staplegrave should this be merged with Kingston St Mary. The Working Group considered this alternative proposal but did not support the change outlined, particularly in view of the assurance provided by Planning officers regarding progress of the Staplegrave East and West developments.
- 8.46 The Working Group **resolved to confirm its recommendation that a small southern portion of the Kingston St Mary Parish area, representing that part of the proposed Staplegrave East development that falls within the parish, be included within the boundary of the proposed new Taunton Parish.**

(h) Bishops Hull Parish

- 8.47 The draft recommendations included two proposals affecting Bishops Hull Parish:
- That 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; and
 - That 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
- 8.48 In coming to these draft recommendations, the Council had considered whether some or all of the more urban parts of Bishop's Hull should be incorporated within a new

Taunton Parish/Town Council area. It was noted that Silk Mills Road ran from north to south through the urban part of Bishops Hull and would represent a clear and easily recognised boundary. However, Members had considered that this would not reflect the identity of the area as a whole and may divide rather than bring together the community. Having thus agreed that the urban part of Bishops Hull should not be divided between two parishes, Members had considered that there was an arguable case both for the whole of that area to become part of a new Taunton Parish and for it to remain separate. On balance, having heard evidence in relation to the services and amenities used by residents and the extent to which they identified with either Bishops Hull and/or Taunton, they had felt that the community interests and identity of the area would be better served by the whole residential area of Bishops Hull remaining as a separate parish.

8.49 The Council did however consider that the area south of Wellington Road (Galmington Trading Estate) had no sense of identification with Bishops Hull, and that in relation to a small triangle in the unparished area at the cross-section with Wellington Road and the current unparished area boundary, residents did feel part of Bishops Hull and not Taunton and the triangle was part of the county division so including it in Bishops Hull Parish would align with other electoral arrangements which had developed.

8.50 20 responses to the second stage consultation were received from respondents identifying themselves as residents of Bishops Hull. Of these, 70% supported the overall draft package of proposals. No adverse comments were received in relation to the Galmington Trading Estate or Wellington Road proposals. Bishop's Hull Parish Council responded, stating that the Parish Council fully supports the formation of a Town Council for Taunton. They confirmed their preference for Bishop's Hull to be excluded from the proposed Taunton Town Council, as well as noting and accepting the proposed revisions to their parish boundaries.

8.51 A number of respondents from other parts of the area under review referred to the proximity of the urban part of Bishops Hull Parish to the western boundary of the unparished area and suggested that this area should be included within the proposed Taunton Parish/Town Council area and/or that not to do so was inconsistent with the proposals in relation to other areas of urban extension. The Working Group considered this question but did not feel that any significant new information had been received that was not available during their consideration of the draft recommendations. On this basis the Working Group **resolved to confirm its recommendations in relation to Bishops Hull Parish as follows:**

- **That with the exception of 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;**
- **That 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; and**
- **That 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.**

(i) West Monkton Parish

- 8.52 The draft recommendations included two proposals affecting West Monkton Parish:
- That 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; and
 - That with the exception of the 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.
- 8.53 These draft recommendations reflected the Council's judgement, based on feedback from the Parish Council and local residents, that the Parish of West Monkton had a distinctive sense of place and the existing arrangements reflected the identities and interests of the community in that area. However, in relation to the Hankridge Retail Park, Creech Castle and the associated Toneway Road, the Council had noted that this area was a key shopping area for the whole town due to its key location near the motorway junction. Members had considered that the governance of this area would be more effective and convenient were it to be included in the proposed Town Council area, especially when considering the proximity of the Halcon Estate just on the west side of the Toneway which was part of the currently unparished area. In terms of sense of place, the Council had considered that the Toneway was part of the town when travelling to or from the motorway.
- 8.54 24 responses to the second stage consultation were received from respondents identifying themselves as residents of West Monkton Parish. Of these, 58% did not agree that the boundary of any Taunton Parish/Town Council should take in areas of urban extension and 71% did not support the overall draft proposals. West Monkton Parish Council also responded, stating that they were supportive of the above draft recommendations. In relation to the separate proposal for the urban area of Cheddon Fitzpaine Parish to be included within the proposed Taunton Parish/Town Council area, West Monkton Parish Council noted that this could impact on Cheddon Fitzpaine's ability contribute towards the costs and maintenance of the Country Park, but stated that with the help of volunteers West Monkton would continue to maintain this important community resource.
- 8.55 A number of respondents from other parts of the area under review referred to the proximity of the Monkton Heathfield urban extension to the unparished area and suggested that this area should be included within the proposed Taunton Parish/Town Council area and/or that not to do so was inconsistent with the proposals in relation to other areas of urban extension. The Working Group considered this question but did not feel that any significant new information had been received that was not available during consideration of the draft recommendations. On this basis the Working Group **resolved to confirm its recommendations in relation to West Monkton Parish as follows:**
- **That 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; and

- **That 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.**

(j) Norton Fitzwarren Parish

- 8.56 Aside from the proposal to tidy up the boundary between Norton Fitzwarren Parish and Bishops Hull Parish just north of Mill Cottages as mentioned above, the draft recommendations proposed 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.
- 8.57 This draft recommendation reflected the Council's judgement, based on feedback from the Parish Council and local residents, that the Parish of Norton Fitzwarren had a distinctive sense of place and the existing arrangements reflected the identities and interests of the community in that area.
- 8.58 Only seven responses to the second stage consultation were received from respondents identifying themselves as residents of Norton Fitzwarren Parish. Of these, 71% agreed that the boundary of any Taunton Parish/Town Council should take in areas of urban extension although 57% did not support the overall draft proposals.
- 8.59 One respondent suggested that the village of Norton Fitzwarren should also be included in the Taunton Parish, stating that it is closely linked via housing developments.
- 8.60 The Working Group did not consider that any compelling case had been made to vary the draft recommendations and therefore **resolved to confirm its recommendation that no part of the existing area of Norton Fitzwarren Parish be included in any new Taunton Parish/Town Council.**

(k) The unparished area of Taunton

- 8.61 129 individual responses were received to the second stage consultation from respondents identifying themselves as residents of the currently unparished area of Taunton. Of these, 87% agreed that a town council for Taunton could promote a sense of community and community cohesion, 82% agreed that the boundary of the town council should reflect the current reality of the town including urban extensions and 68% agreed with the package of proposals in the draft recommendations.
- 8.62 The Taunton Charter Trustees also responded, stating that they believe that a single Town Council for Taunton should be set up to cover whichever boundaries are established, taking into account the results of the consultation.
- 8.63 The Council will note that if an outcome of the review is that the whole of the unparished area becomes parished, in accordance with the Local Government (Parishes and Parish Councils) Regulations 2008 the Charter Trustees for Taunton will

be dissolved as a body and their rights and responsibilities will be transferred to the new council on 1 April 2023. This includes the Mayoral Insignia and Charter which will transfer to the new council, with the Chair of the future town council assuming the role of Mayor of Taunton.

- 8.64 In the event that a new parish is not created covering the whole of the currently unparished area, Charter Trustees would continue in existence, acting for the area that continues to be unparished.

(l) Ancillary inter-parish issue

- 8.65 The draft recommendations also included a proposal that 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 and new relief road westwards to Maidenbrook Lane, in the light of any comments from the parish councils.
- 8.66 West Monkton Parish Council supported the proposal in their response to the second stage consultation. The Working Group agreed that this would provide a more easily identifiable and clearly defined boundary in accordance with the guidance and accordingly **resolved to recommend that 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.**

(m) Other forms of community governance as an alternative to a parish/town council

- 8.67 The 2007 Act requires a principal council in undertaking a community governance review to give consideration to other (non-parish) forms of community governance that have been made, or could be made, for the purpose of community representation or engagement in the area under review. The guidance states that these should be considered as alternatives to, or stages towards, the establishment of parish councils.
- 8.68 As part of the second stage consultation, all respondents who answered 'no' to the question 'Do you agree that a town council for Taunton could help to promote a sense of community in the town and promote community cohesion?' were then asked 'What other forum(s) or initiatives could do this more effectively?' 89 respondents answered this question although a majority of those responses made more general points reinforcing the respondent's support for or opposition to the general proposals and/or the inclusion of certain parish areas in the proposed Taunton Parish. Of the minority who did mention other specific forms, these included community centres, Local Community Networks, villages, focus groups, events, meet-ups, a people's assembly and local community activity or forums run by the unitary authority.
- 8.69 The Working Group considered the suggestions made but did not feel that any compelling evidence had been presented that these would provide a suitable alternative to a parish/town council for Taunton, especially in view of the further guidance that 'what sets parish councils apart from other kinds of governance is the

fact they are a democratically elected tier of local government, independent of other council tiers and budgets, and possess specific powers’ and that ‘their directly elected parish councillors represent local communities in a way that other bodies, however worthy, cannot since such organisations do not have representatives directly elected to those bodies’.

8.70 In relation to those parishes that are proposed to continue, no evidence was submitted to the review that any of those parishes should not continue to have a council.

8.71 The Working Group considers that its recommendations above reflect community identities and interests and will promote effective and convenient local government and community cohesion at the same time as addressing a number of instances where due to development the existing parish boundaries no longer meet the criteria in the guidance.

9 Electoral arrangements

9.1 Once the Council has determined whether it will recommend any changes to parish boundaries or councils, it must go on to consider the electoral arrangements for each of the proposed or continuing parish/town councils. This includes:

- The ordinary year of elections for the parish/town council;
- Council size (i.e. the number of parish/town councillors); and
- Warding (i.e. whether a parish should be, or should continue to be, divided into wards for the purposes of elections to the parish/town council; the number, names and boundaries of parish/town wards; and the number of parish/town councillors to be elected for each ward.

Electorate projections

9.2 When making proposals for the warding (if any) within a parish/town council area, the number of councillors to be elected for each parish or ward and the number of electors they each represent, the Council must have regard to the number of local government electors for the parish and any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years beginning with the day when the review starts.

9.3 The relevant electorate figures and projections - prepared using extant planning permissions and the Local Plan - for each of the parish areas that would be established in accordance with the draft recommendations are as follows:

Parish	Electorate 2022	Projected Electorate 2027 (Register published 1 December 2026)
Taunton (new)	37,700	43,487
Bishops Hull (amended)	2,839	3,000
Cheddon Fitzpaine (amended)	319	304
Kingston St. Mary (amended)	810	830

Norton Fitzwarren (amended)	2,804	2,912
Trull (amended)	1,828	1,758
West Monkton (amended)	4,190	4,400

Ordinary year of elections

- 9.4 Parish council elections are scheduled to take place in Somerset in May 2027 and every four years thereafter. However, Section 98(6) of the 2007 Act empowers a principal council in its Reorganisation Order to exclude or modify the application of (inter alia) section 16(3) of the Local Government Act 1972 Act to enable the first elections to a parish council to be held in an earlier year.

Council size

- 9.5 The Local Government Act 1972 specifies that each parish council must have at least five councillors. There is no maximum number, no requirement in legislation that the number of councillors should be proportional to electorate size and no legislative guidance on the ideal number of parish councillors.
- 9.6 In considering the issue of council size, the guidance states that the LGBCE is of the view that “each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. Nevertheless, having regard to the current powers of parish councils, [the principal council] should consider the broad pattern of existing council sizes. This pattern appears to have stood the test of time and, in the absence of evidence to the contrary, to have provided for effective and convenient local government. Principal councils should also bear in mind that the conduct of parish council business does not usually require a large body of councillors. [...]”
- 9.7 The statutory guidance goes on to state: “In addition, historically many parish councils, particularly smaller ones, have found difficulty in attracting sufficient candidates to stand for election. This has led to uncontested elections and/or a need to co-opt members in order to fill vacancies. However, a parish council’s budget and planned or actual level of service provision may also be important factors in reaching conclusions on council size.”
- 9.8 Although there is no statutory guidance on the number of parish councillors to be allocated, the National Association of Local Councils (NALC) has published recommendations on the matter. NALC Circular 1126 (1988) recommends that a council of no more than the legal minimum of five members is inconveniently small and that the practical minimum should be seven, to apply to any parish council with up to 900 electors. Further recommendations were made for parishes with larger electorates, up to a maximum of 25 councillors where the electorate exceeds 23,000.
- 9.9 It should be noted that in relation to any existing and continuing parish council or ward whose area is reduced, any proposed change to the number of parish councillors would take effect from the next ordinary elections, i.e. May 2027, as the Local Government (Parishes and Parish Councils) Regulations 2008 provide that “any person in office immediately before the order date as a parish councillor for an area

which is altered by the order (“an altered area”) shall, unless he resigns his office or it otherwise becomes vacant, continue as parish councillor for the area as so altered until the date on which he would ordinarily have retired had the order not been made” (Regulation 10).

Warding arrangements

- 9.10 Regarding whether a parish should be or should continue to be divided into wards, the 2007 Act requires the Council to consider:
- a) Whether the number, or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
 - b) Whether it is desirable that any area or areas of the parish should be separately represented.
- 9.11 If a principal council decides that a parish should be or continue to be divided into wards, the guidance states that it must have regard to certain factors when considering the size and boundaries of the wards and the number of councillors to be elected for each ward. Those factors are: the number of local government electors for the parish; any change in the number, or distribution, of the local government electors which is likely to occur in the period of five years beginning with the day when the review starts; the desirability of fixing boundaries which are, and will remain, easily identifiable; and any local ties which will be broken by the fixing of any particular boundaries.
- 9.12 The Council should also have regard to existing levels of representation, the pattern of existing council sizes which have stood the test of time and the take-up of seats at elections.
- 9.13 There is no duty to ensure electoral equality between parishes or wards, but the LGBCE believes it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant differences in representation and that that ‘each person’s vote should be of equal weight so far as possible, having regard to other legitimate competing factors, when it comes to the election of councillors’ (Guidance paragraph 166).

Recommendations in relation to electoral arrangements

- 9.14 The second stage consultation included the following proposals in relation to electoral arrangements:
- 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;
 - 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;
 - That the proposed new Taunton Parish be warded based on the existing District Council wards within the unparished area, with additional wards for each of the significant additional areas currently within a neighbouring parish. The Council

noted that the unparished area was currently represented by 16 councillors across nine wards and did not think it would be practicable or convenient for a single election to be held for the whole of any new parish//town council for the area; and

- That a number of minor changes be made to the electoral arrangements of neighbouring parishes affected by the creation of a Taunton Parish with the boundaries proposed.

- 9.15 Over 75% of respondents to the second stage consultation agreed that any new Taunton Parish/Town Council should be divided into wards for the purpose of electing councillors to represent local people. On the specific proposal for 20 parish/town councillors to be elected across 12 wards, 43.16% agreed with the proposal whilst 37.39% did not. Those who did not agree were then asked what aspects of the proposal they thought should be changed. Two respondents submitted substantial proposals for alternative warding arrangements of the new parish/town council:
- 9.16 Firstly, Roger House (a local elector) provided a detailed proposal for revised ward boundaries and representation within the unparished area of Taunton. The Working Group considered this proposal and commended Mr House on the detail and quality of his work. They noted however that extending the scheme to cover the whole of the proposed parish/town council area at the same elector/councillor ration would result in a council of approximately 30 members, which was considered too high a figure.
- 9.17 Taunton Labour Party submitted a proposal for the new council to be elected on the basis of single-member wards. The proposal was illustrated by an example of how this could be achieved within the area of the existing Priorswood Ward. The Working Group discussed the relative merits of single- and multi-member wards in relation to factors such as effective representation of residents, member workload and covering where a member was indisposed. On balance, the Working Group did not favour re-drawing the entire scheme, but they did reconsider the proposal in relation to Priorswood itself, in particular because this was the only three-member ward in the draft recommendations.
- 9.18 Two alternative options were considered – firstly dividing the area covered by the district council ward of Priorswood into three single-member parish/town wards representing the areas of Pyrland, Obridge and Lyngford respectively as proposed by Taunton Labour Party; and secondly combining the Priorswood ward with the Maidenbrook area transferring from Cheddon Fitzpaine parish and splitting this combined area into two, two-member wards. Following discussion, the Working Group considered that the first of these options would best reflect community identities and promote effective local government.
- 9.19 Accordingly, the Working Group **resolved to recommend that the proposed new Taunton parish be divided into 14 wards for the purpose of electing parish/town councillors and that the ward names, area covered and number of councillors to be elected for each ward be as follows** (see also map at Appendix 'D'):

PROPOSED WARD NAME	AREA COVERED	PROJECTED ELECTORATE 2027 (Electoral register published 1 December 2026)	NUMBER OF COUNCILLORS
Blackbrook & Holway	Existing Blackbrook & Holway district ward.	4,646	2
Comeytrove	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
Halcon & Lane	Existing Halcon & Lane district ward plus Hankridge Retail Park, Creech Castle and associated Toneway Road, currently in West Monkton Parish.	4,351	2
Lyngford	Part of existing Priorswood district ward as shown on the map at Appendix 'D'.	2,892	1
Maidenbrook	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
Manor & Tangier	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
North Town	Existing North Town district ward.	2,130	1
Obridge	Part of existing Priorswood district ward as shown on the map at Appendix 'D'.	993	1
Pyrland	Part of existing Priorswood district ward as shown on the map at Appendix 'D'.	2,698	1
Staplegrove	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
Victoria	Existing Victoria district ward.	4,125	2
Vivary	Existing Vivary district ward	3,762	2

PROPOSED WARD NAME	AREA COVERED	PROJECTED ELECTORATE 2027 (Electoral register published 1 December 2026)	NUMBER OF COUNCILLORS
	(including Killams Green area currently in Trull Parish)		
Wellsprings & Rowbarton	Existing Wellsprings & Rowbarton district ward.	4,418	2
Wilton & Sherford	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
Totals:		43,487	20

9.20 The Working Group further **recommended that changes be made to the electoral arrangements of neighbouring parishes affected by the creation of the Taunton Parish as follows:**

PARISH	PROPOSED CHANGE (if any)	REASON FOR PROPOSAL
Bishops Hull	No change	Changes proposed to parish boundary do not significantly affect electorate or require warding.
Cheddon Fitzpaine	Parish to no longer be warded. Number of parish councillors to be 5.	Projected electorate 2027 for the proposed new parish boundary is 304.
Kingston St Mary	No change	Changes proposed to parish boundary do not significantly affect electorate or require warding.
Norton Fitzwarren	No change	Changes proposed to parish boundary do not significantly affect electorate or require warding.
Trull	Parish to no longer be warded. Number of parish councillors to reduce from ten to nine.	Once Killams ward is transferred to Taunton Parish Trull will have only one ward. Killams Ward currently elects one councillor to Trull Parish Council. The projected electorate 2027 for Trull Parish on its proposed new boundary is 1,758 and it is proposed that the number of councillors serving this area should remain unchanged.
West Monkton	No change	Changes proposed to parish boundary do not significantly affect electorate or require warding.

Related alterations to the boundaries of the principal council's electoral area

- 9.21 Any changes to parish or parish/town ward boundaries made as part of a community governance review will not automatically change the equivalent boundaries for principal (district, county or unitary) council elections. In the interests of clarity and elector convenience, the Working Group considered that in the event the recommendations of the review were confirmed, the LGBCE should be asked to change the relevant principal council ward/division boundaries to align them with any revised parish boundaries.
- 9.22 The second stage consultation therefore asked consultees 'If the parish and parish ward boundaries are changed as proposed, these will no longer match the corresponding district council ward boundaries or county/unitary council division boundaries in some places. In the interests of clarity therefore, if the proposed changes to the parish and parish ward boundaries go ahead do you agree that the Local Government Boundary Commission for England should be asked to amend the relevant district ward and county/unitary division boundaries where necessary to align them with the revised parish boundaries?'
- 9.23 51.07% of respondents answered 'yes' to this question, whilst 27.99% answered 'no'.
- 9.24 The Working Group **resolved to confirm its recommendation that the Local Government Boundary Commission for England be requested to make changes to the boundaries of the relevant District, County and Unitary wards/divisions as necessary to ensure consistency between those boundaries and the revised Parish and Parish Ward boundaries made in this Community Governance Review.**

10 Other comments

- 10.1 The final question in the second stage consultation asked respondents 'Do you have any other comments on parish/town boundaries or any other aspect of the arrangements for town/parish governance in the area?'
- 10.2 This was an open-ended question and a diverse range of opinions was expressed but many respondents used this question as an opportunity to restate previous comments. The main themes were (broadly ranked):
- Opposition to the proposal;
 - That the existing parished areas should be left alone;
 - General support for the proposal; and
 - Support for the creation of a parish/town council covering the existing unparished part of Taunton.

11 A parish/town council for Taunton - consequential matters

- 11.1 Where a Reorganisation Order includes significant changes to parish boundaries, the Order may cover consequential matters that appear to the Council to be necessary or proper to give effect to the order.

- 11.2 In particular the Order will need to include provisions to ensure that the proposed new parish/town council for Taunton is able to commence its work with effect from the vesting day of 1 April 2023. Key to this will be:
- The setting of a budget for the first year of operation of the new council; and
 - The appointment of temporary parish/town councillors to run the new council between the vesting day on 1 April 2023 until the first elected councillors take office on the fourth day after the elections to be held on 4 May 2023.

A budget for the new parish/town council

- 11.3 Parish and town councils may levy a precept – an additional amount payable by council tax payers in their area – to meet the net cost of running the council and any service provision and other activities. The level of the precept will depend on the budget requirement identified for the parish/town council which will in turn reflect the scale of service delivery and other activities that it wishes to undertake. Going forward these are matters for the new parish/town council itself to determine. However, in order that the new council is able to operate from day one, the Local Government Finance (New Parishes) (England) Regulations 2008 provide that the prospective billing authority (i.e. the principal council) shall anticipate a precept for the first year of the new council's operation by specifying an amount to be the maximum budget requirement for the council in that year.
- 11.4 In relation to the types of services typically provided by town councils and which the new council may decide to provide, over 92% of respondents to the second stage consultation answered 'yes' to the question '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?', with an overwhelmingly positive response to the follow up question 'If so, should parish and town councils consider providing such services if the principal council is unable to continue doing so?'
- 11.5 The Working Group noted that the new council's budget in its first year would need to be sufficient both to support the establishment and operation of the council as a legal entity and to enable it over time to deliver such services as may be agreed with the principal councils for transfer to the parish/town council or which it may determine are required to meet local needs.
- 11.6 The budget for the new council in 2023/24 will therefore be made up of several elements reflecting:
- Costs currently raised by Somerset West and Taunton District Council as 'Special Expenses' directly related and billed to households in the unparished area of Taunton.
 - Costs currently incurred by the neighbouring parishes included within the scope of this community governance review that would fall to the new Taunton parish because of boundary changes.

- Costs currently incurred by the Charter Trustees for Taunton currently billed to households in the unparished area of Taunton, related to the mayoralty and civic costs.
- Costs and income currently incurred by Somerset West and Taunton District Council for services that the responsibility for which are proposed to be transferred to the new Taunton town/parish council on 1 April 2023.
- New costs directly related to operating a new local council such as costs of democracy, administration, offices, compliance and regulatory responsibilities, etc.
- New spending power reflecting the Working Group's ambition for the new Council to grow and improve local services, communities, and democratic representation.
- The creation of adequate reserves to ensure financial resilience of the new Council.

11.7 The table below provides a summary of the proposed 2023/24 Budget for the new parish/town Council totalling £2.114m. Further details supporting this budget estimate are provided in **Appendix 'I'**).

New Taunton Parish Council Proposed Budget 2023/24	
	£000
Mayor and Civic Costs	17
Staff including NI and pension	170
Amenities and general maintenance	52
Administration, office and election Costs	139
Allotments	8
Parks	563
Public Conveniences	106
Events	101
Community Grants	75
Service Growth and Improvement	400
Contingency / Other Costs	100
Income	-38
Net Operating budget	1,694
Create Opening Reserves Balance	420
Total budget on which Precept calculated	2,114

11.8 For clarity, the Proposed Budget above does not include any future S106 or Community Infrastructure Levy (see section 14 below) receipts, which would provide additional funding to the parish/town council on top of costs above covered by the Council Tax precept.

11.9 The budget estimate includes an estimate of the net cost of services included in the 2022/23 SWTC General Fund Budget to be transferred to the town/parish Council from 1 April 2023. There is a presumption that such net costs are fully funded from Council Tax, and we therefore need to agree a council tax adjustment with the Secretary of State for local government to reflect the 'transfer' of this council tax requirement from the district council to the town/parish council. This adjustment is known as an **Alternative Notional Amount (ANA)** which resets the Council Tax precept baseline for 2022/23 for billing and tax increase measurement purposes. The above 2022/23 Budget includes £678,440 for current SWTC costs that will need to adjusted (removed)

from the Somerset Council budget and council tax requirement in 2023/24 as the council tax funding for these services will in future be raised by the parish/town council. This is explained further in Appendix 'I'.

- 11.10 Using available Council Tax data in May 2022, an indicative Council Tax Base for the new Taunton parish has been estimated as **approximately 22,500 Band D Equivalents** for 2023/24. The Council Tax Base – the number of households within the new Taunton parish boundary expressed as Band D Equivalents – is formally set by the Billing Authority in December each year. This will be a function of Somerset County Council for the 2023/24 budget, as the continuing authority for the purposes of transition and the prospective billing authority from 1 April 2023 onwards.
- 11.11 The 2023/24 Budget of **£2.114m** divided by the provisional Tax Base of **22,500** would result in an **approximate** Band D council tax rate of **£94** per annum in 2023/24. This is an **indicative figure only** at this stage – the actual Band D rate to be charged will not be determined until the 2023/24 Tax Base is approved in December 2022.
- 11.12 The following table provides some comparative parish/town precepts to provide some context.

<i>Parishes in scope of the Community Governance Review (2022/23):</i>	Band D Rate £
Bishops Hull Parish Council	29.16
Cheddon Fitzpaine Parish Council	40.97
Comeytrove Parish Council	12.06
Kingston St Mary Parish Council	28.67
Norton Fitzwarren Parish Council	26.56
Staplegrave Parish Council	16.37
Taunton (unparished) Special expenses	1.93
Taunton (unparished) Charter Trustees	3.85
Trull Parish Council	28.50
West Monkton Parish Council	30.34
<i>Other Precept Examples in SWT Area (2022/23):</i>	
Minehead Town Council	177.74
Watchet Town Council	156.13
Wellington Town Council	76.95
<i>Other Precept Examples in Somerset:</i>	
Frome Town 2021/22	201.69
Glastonbury Town 2021/22	133.28
Street Town 2021/22	123.80
Wells City 2021/22	151.59
<i>Other Precept Examples Elsewhere:</i>	
Salisbury City 2020/21	208.00
Weymouth Town 2022/23	185.69

Assets to be transferred to the new parish/town council

- 11.13 Certain assets will transfer automatically to the new parish/town council on vesting day in accordance with statute, including assets currently held by the Taunton Charter Trustees, allotments within the new council's area and property, rights, and liabilities of

any abolished or transferor parish council which relate to the area taken on by the new parish/town council. These may be set out in the Reorganisation Order.

- 11.14 In relation to any further assets currently held by Somerset West and Taunton or Somerset County Council that may be transferred to the new council to facilitate its operation and service delivery, these are subject to negotiation and agreement between the relevant authorities in the context of the legislation applying to local government reorganisation. This report seeks to establish this agreement when being considered by the Executive of Somerset County Council. A particular consideration is that the District Council will be dissolved at the point when the Parish/Town Council comes into being and will therefore not be able to transfer assets directly to it.
- 11.15 It is proposed that the Order should include a Memorandum of Understanding describing the process for those discussions and any commitments made in relation to assets that it is intended to transfer, the relevant date(s) and related matters such as commissioning of services between the councils.
- 11.16 In relation to the assets and services that might be included in the agreed list, the Working Group considered two alternative approaches. The first of these envisaged a two-stage approach to setting up the new parish/town council with only the statutory minimum of asset transfers (i.e. allotments and ceremonial items) taking place on day one, and any further transfers being subject to subsequent discussions between the new unitary and parish/town councils. This would imply a minimal level of service delivery initially on the part of the new parish/town council. The second of the alternative approaches envisaged a range of services and assets being identified for transfer to the new parish/town council on vesting day, to enable it to begin serving the community of the parish in a more tangible way from the start.
- 11.17 Following discussion, the Working Group considered strongly that the second of these approaches was preferable and that the new parish/town council should be provided with the means to make a difference to the quality of life of its residents from the start of its existence and to develop and deliver during its first year of operation such services as it may determine are required and/or may be agreed in discussions with the principal council.
- 11.18 Assets related to the current district services that the Working Group considers should be transferred from 1 April 2023 are summarised within the budget Appendix 'I'. These may be transferred either freehold or leasehold to the parish/town council as appropriate to best represent the interests of both the prospective unitary and parish/town councils to be determined through further due diligence and negotiations between the two parties.
- 11.19 Members of the Working Group were asked to consider the impacts of asset transfer decisions on the Local Government Reorganisation (LGR) programme, specifically around the current Bridgwater Pilot. Members felt that the matters were unrelated as for Taunton this is an opportunity to put the current unparished area on the same footing as all other areas within the County. It was felt that holding assets and delivering services gave the Town Council a purpose and that the wider devolution of

responsibilities to Town Councils, Parish Councils, or Local Community Networks, would continue to be a future opportunity without a precedent being set.

Temporary parish/town councillors from 1 April 2023

- 11.20 The new council will be established with effect from 1 April 2023. However, the first elections to the parish/town council will not be held until 4 May 2023, with the councillors to be elected at those polls taking up office on the fourth day thereafter.
- 11.21 The principal council may make provision in the Order for the appointment of temporary parish/town councillors to run the new council during this interim period. It is proposed that the following persons be appointed to serve as temporary parish/town councillors for Taunton from the proposed vesting day on 1 April 2023 until the first elected councillor take up post on the fourth day after the elections to be held on 4 May 2023:
- The persons elected for the time being to serve as members of Somerset County Council for each division part or all of which includes any part of the proposed Taunton Parish;
 - The persons serving until 31 March 2023 as the Charter Trustees for Taunton;
 - Two persons to be nominated by Comeytrowe Parish Council before 31 March 2023;
 - One person to be nominated by Staplegrove Parish Council before 31 March 2023; and
 - One person to be nominated by Cheddon Fitzpaine Parish Council before 31 March 2023.

12 Draft Reorganisation Order

- 12.1 A draft Reorganisation Order, reflecting the recommendations in this report and incorporating the above matters, is attached at Appendix 'A'. Subject to the Full Council agreeing the recommendations in this report, the attached draft Order will be recommended for adoption by Somerset County Council in accordance with the Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 to give effect to the final recommendations of the review.

13 Parish governance changes – implementation phase

- 13.1 Once the Reorganisation Order has been made and the Community Governance Review is therefore complete, work will commence on implementing the agreed changes at parish level and the creation of the new parish/town council for Taunton.
- 13.2 The detail of this planning and implementation work will be the subject of further reports in due course to both authorities. However, it is appropriate at this stage to consider the most appropriate forum to take forward and oversee the implementation phase.

Proposed Shadow Town Council

- 13.3 An increasingly common approach where new town councils have been created is for a Shadow Town Council to be established ahead of the formal vesting date to lead and oversee the development of the new council. Examples include Weymouth (Dorset, 2019), Wellingborough (Northants, 2021) and Wickford (Essex, 2022). The National Association of Local Councils (NALC) advises in its publication 'Power to the People' (2015): 'A shadow council has no statutory powers, but it can be a good means of laying the ground for the new local council'.
- 13.4 It is suggested that this approach could be adopted in the case of the new Taunton Parish/Town Council. The role of the Shadow Town Council would be to focus the work to create the new council, working with the officers, external consultants, and interim town clerk (when appointed) to develop the various draft policies, procedures, infrastructure etc that will need to be in place as soon as possible after the new council is established, and to oversee the programme of work required to bring into being the new council. Prior to 1 April 2023 the Shadow Town Council would not have delegated powers to make decisions or commit expenditure but would act as an advisory body to the officers and others working on the implementation programme with any formal decisions required then being made under existing officer or member delegations.

Membership of a Shadow Town Council

- 13.5 The informal nature of a Shadow Town Council provides for flexibility in its membership. Practice varies and shadow town councils elsewhere have included the elected members of the principal council for the relevant area, members of the implementation executive, local campaigners and/or others according to local factors.
- 13.6 In relation to Taunton, particularly in the context of local government reorganisation and to ensure democratic representation of the whole area, it is proposed that the Shadow Town Council should be composed of the same persons proposed above for appointment as temporary parish/town council members from 1 April 2023, thus providing consistency and continuity in the development of the new council. Taking into account overlapping memberships this would give a total membership of approximately 24 shadow town councillors.
- 13.7 If the proposal for a Shadow Town Council is approved, it is suggested that the existing Community Governance Review Member Working Group of SWT, which was established on 30 March 2021 with a remit to make recommendations to the Full Council both at key milestones during the community governance review (CGR) and in relation to the implementation of the final review recommendations, would no longer be required and its 'implementation' remit would pass to the Shadow Town Council.

14 Neighbourhood Planning and Community Infrastructure Levy (CIL) implications

CIL Neighbourhood Proportion

- 14.1 Some parish councils have Neighbourhood Development Plans (NDPs) in place and therefore receive 25% of the CIL collected from development within their parish (CIL Regulation 59A(3)). Those parish councils without NDPs in place receive 15% of the

CIL collected from development within their parish (Regulation 59A(5), up to a limit of £100 per dwelling (Regulation 59A(7)).

- 14.2 Where a parish council is abolished and entirely incorporated within the area of the new parish/town council, any unspent CIL receipts held by the parish council will be transferred to the new council on the date of vesting.
- 14.3 Where a parish council is subject to an alteration in its administrative area consisting of the loss of a transferred area, the Local Government (Parishes and Parish Councils) (England) Regulations 2008 require that any property, rights and liabilities of the council which relate to the transferred area shall transfer to and vest in or, as the case may be, become rights and liabilities of, the council of the transferee parish.
- 14.4 Under CIL Regulation 59D, unless the councils agree on an alternative timetable for payment, a principal council must pay to the relevant parish/town Council the required neighbourhood proportion in respect of the CIL it receives from developers between:
 - 1st April to 30th September in any financial year by 28th October of that financial year;
 - 1st October to 31st March in any financial year by 28th April of the following financial year.
- 14.5 Therefore if CIL is received by Somerset West and Taunton Council in respect of chargeable development wholly within the proposed boundary of the new Taunton Parish between 1st October 2022 and 31st March 2023, then the relevant neighbourhood percentage of those receipts would be paid by the Somerset Unitary Council by 28th April 2023, by which time the new parish/town council will be in existence and therefore will be the recipient council.
- 14.6 Where future development straddles the boundaries of parish or town councils' administrative areas, each council will receive a share of the CIL which is proportionate to the gross internal area of the development within their administrative area, up to the level of the annual limit for their area. Where future development crosses more than one parish or town council administrative area and where one or more of those areas has a Neighbourhood Development Plan in place (so receives 25%) and one or more of those areas does not, the parish or town council receives a proportionate amount of the levy payment based on how much of the gross internal area of the development is in an area for which there is a Neighbourhood Development Plan
- 14.7 There are statutory limitations on how a parish or town council can spend their CIL receipts. The money can only be used to support development of their area, or any part of that area, by funding infrastructure or anything else that addresses the demands development places on their area (CIL Reg 59C)
- 14.8 Subject to these limitations, unspent CIL receipts transferred over to a new Taunton Parish/Town Council on vesting day can be expended in any part of that council's area regardless of where the development generating that CIL is located i.e. the neighbourhood percentage does not have to be expended in the area that used to belong to the parish council.

- 14.9 Similarly, unspent or future CIL monies transferred or paid to the new council from development located within the boundary of a Neighbourhood Development Plan (NDP) can be expended in any part of the new council's area i.e. it does not have to be expended in the covered by the NDP.

Neighbourhood Development Plans

- 14.10 In terms of the status of existing Neighbourhood Development Plans that fall wholly within or straddle across the proposed new Taunton Parish/Town Council area the following will apply:

- NDPs that have already been finalised and adopted cannot be revoked even if a new Parish is created within the area of the NDP.
- NDP areas cannot overlap, so a new NDP area can only be designated if there is either no existing designation covering that area, or if an existing designation is withdrawn.
- Withdrawing an existing designation and restarting an emerging plan to cover a new area will require re-consultation and a new evidence base.
- Reviewing a made plan to change the NDP area will require all statutory processes to be repeated, including area designation, consultation, examination, and referendum.

15 Links to Corporate Strategy

- 15.1 This is a key project within the Internal Operations Directorate Plan and links to the Corporate Strategy.

16 Finance / Resource Implications

- 16.1 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 above and in Appendix I.
- 16.2 As referred above in 11.9, 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.
- 16.3 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 the Director of Internal Operations and the S151 Officer.

17 People and TUPE Implications

- 17.1 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.
- 17.2 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.

18 Legal Implications

- 18.1 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).
- 18.2 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).
- 18.3 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.
- 18.4 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.
- 18.5 The relevant legal provisions and implications are set out where appropriate in the main body of the report.

19 Partnership Implications

- 19.1 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.

20 Health and Wellbeing Implications

- 20.1 Effective and convenient community governance arrangements can contribute to the promotion of improved health and wellbeing for communities.

21 Asset Management Implications

- 21.1 The Member Working Group gave clear instruction that officers must include assets for transfer on day one. The Group's objective being to prevent the new Taunton Parish/Town Council from being a "paper council" with limited impact. The instruction also provided a list of assets that The Group considered to be a minimum; these are identified in Appendix I. These assets and services have been costed by officers at SWT and that cost has been provided in order to amend the council tax base for the new unitary council and the precept for the new Taunton Parish/Town Council.
- 21.2 Any assets proposed for transfer to a new Taunton Parish/Town Council will be set out in an appendix or schedule attached to the Reorganisation Order or subject to negotiation and subsequent agreement between Somerset West and Taunton Council, Somerset County Council and the shadow town council or new parish/town council.
- 21.3 Appendix I identifies a range of proposed services and assets for transfer to the Town Council on vesting day. This is the first phase of assets with future opportunities being established post vesting day. There are risks to both parties regarding the transfer of physical assets (building and land). Along with the change of ownership comes a transfer of all responsibilities and legal liabilities. This will include aspects such as: insurance, compliance, maintenance, capital investment, third party rights, landlord responsibilities etc. There are no proposed transfers of technical expertise from Property or Assets teams as it is assumed that the Town Council will commission some services from the Unitary Council from day one to ensure service delivery is not impacted. For parks this will include the maintenance works delivered by the current SWT workforce, and for toilets this will be the contracted works with IdVerde for cleaning of the facilities. There are no proposed TUPE transfers as a result of the transfer of assets and services on the basis of the buyback arrangements being formalised.
- 21.4 Current service provision within the SWTC workforce, and a commissioned contract is proposed to continue with a buy back arrangement secured in a side letter. This would see the new Town Council provided with the precept capability to fund the services of parks and public toilets. The Town Council would commission those services from the Unitary council, who would provide them through the existing workforce that transfers for parks maintenance, and the existing external contract that novates for toilet cleaning.
- 21.5 On this basis no immediate TUPE implications exist for the duration of these commissions. Whilst this is our position, TUPE legislation is complex and could be subject to challenge by the Somerset Council, the Town Council, or the employees

themselves. The buy-back proposal is proposed to avoid the complexities of TUPE transfers and the potential costs of disaggregating existing contracts.

- 21.6 The Town Council is potentially liable for TUPE transfers at the point these arrangements cease, this would always be the case regardless of transfers happening for day one or at a later date. In this instance if / when the Town Council change the delivery of services away from the buy-back arrangements the usual TUPE implications exist for the workforce of Somerset Council and the current contractor.
- 21.7 There are considerations for the Somerset Council, the proposed list includes assets within other land owned by the council, for example Cannon Street public toilets sit within the middle of Cannon Street car park. By handing over a freehold building in the middle of a council owned car park it limits opportunities to make changes to that car park in years to come, be that altering the layout or a complete change of use. A sale of that land would also be hindered by having more complex ownership arrangements. To mitigate this risk, it is proposed that the facilities impacted in this way will be transferred by way of a lease rather than a freehold transfer.
- 21.8 Asset information will be extracted from current digital systems and provided to the Town Council; this will include all current compliance certification. Historical information that is held in paper form may have greater resource implications in extracting but this can be arranged directly with the Town Council and does not have to be in place for day one.
- 21.9 There are other responsibilities within parks that will transfer, these go beyond service delivery and include matters such as ensuring compliance with previous grant awards, upholding any bylaws and land covenants. This information will be provided to the Town Council, and they will become responsible for any enforcement or data returns that are required.

22 Data Protection Implications

- 22.1 The Council has complied with GDPR in respect of the Consultation and Communications Plan for the community governance review.

23 Consultation Implications

- 23.1 Appropriate consultation has taken place with local electors, business, community and voluntary sector, local Councils and others as part of the community governance review process as described in the main body of the report.

Democratic Path:

- **Community Scrutiny Committee – No**
- **Executive – No**
- **Full Council – Yes (29 September 2022)**

Reporting Frequency: Ad-hoc

List of Appendices (background papers to the report)

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

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