

County Council
Wednesday 5 October 2022
10.00 am Hollinsworth Hall, The
Canalside Conference Centre, Marsh
Lane, Huntworth, Somerset, TA6 6LQ



SUPPLEMENT TO THE AGENDA

To: The Members of the County Council

We are now able to enclose the following information which was unavailable when the agenda was published:

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| Item 3 | Public Question Time (Pages 3 - 12) (see explanatory notes attached to agenda) This item includes the presentation of petitions. Details of any public questions / petitions submitted will be included in the Chair's Schedule which will be made available to the members and to the public at the meeting. |
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Published on 04 October 2022

Democratic Services, A Block, County Hall, Taunton, TA1 4DY

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Public Questions

| <u>Public Questions</u> | | | |
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| | From | Topic | Question/Statement |
| PQ1 | Mike Ginger | Taunton Area Cycling Campaign | <p>Petition available at https://you.38degrees.org.uk/petitions/taunton-area-says-yes-to-better-cycling-and-walking-provision</p> <p>1.SCC is now deciding which routes in Somerset to submit under the next tranche of Department for Transport funding. The new routes need to be transformational-not just tinkering. For Taunton, we have asked officers to look at four routes which people in Taunton feel are very dangerous. These are: Station Road-Wellington Road-Cheddon Road and East Reach. We are asking that councillors support us in this.</p> <p>2. We urged that SCC focuses on implementation rather than producing more and more plans.</p> <p>3. If a Taunton Town Council is formed, we ask that active travel routes and safety become part of its remit. Frome TC has demonstrated leadership in this way and we urged that Taunton follows that example.</p> |
| PQ2 | Alan Sawyer | Taunton Community Governance Review | <p>I am Alan Sawyer, a longstanding Trull resident.</p> <p>My request to the Councillors is that they do not approve the Taunton Community Governance Review today as I believe it has failed to meet the requirements of The Local Government and Public Involvement in Health Act 2007 or the associated Guidance</p> |

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| | | | <p>on Community Governance Reviews March 2010 in several important respects.</p> <p>First, the Guidance states (paragraph 33) that principal councils must "have regard to the need to secure that community governance reflects the identities and interests of the community under review". The response rate to the consultations was so poor [for Trull 8 residents responded at Stage 1 and 6 at Stage 2 and over the whole area the response was only 1 for every 123 residents that this exercise cannot claim to <u>secure</u> that the recommendations "reflect the identities and interests of the community". An absence of response can not be assumed to be approval.</p> <p>The working group express their disappointment at the level of response, but report that, possibly due to the limited Stage 1 feedback, for the Stage 2 consultation, in June "over 44,000 postcards were sent to all residential addresses in the area under review drawing attention to the review". Trull Parish is included in the area under review, but I received no postcard and I know of no one who did. Paragraph 59 of the Guidance says "the wishes of the local inhabitants are the primary considerations" when defining parishes, but the responses of, e.g., 6 Trull residents of an electorate of over 1,800, give no support for the Stage 2 proposals representing these wishes.</p> <p>Further, Somerset West and Taunton Council has chosen to reject all suggestions made in regard to the boundary changes from the parishes affected and the <u>only</u> amendment after over 400 residents responded to Stage 2 is a minor realignment of the boundary</p> |
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| | | | <p>between West Monkton and Cheddon Fitzpane parishes, suggesting that Somerset West and Taunton Councillors are imposing their views and agenda on the local communities.</p> <p>Second, Section 93(5) of the Act requires principal councils to "take into account local residents' associations or community forums which help to make a distinct contribution to the community". There is no evidence that the Trull Neighbourhood Plan has been considered by Somerset West and Taunton Council, neither has the Trull Neighbourhood Planning Group been consulted.</p> <p>Third, The Somerset West and Taunton Council's recommendation is that two parish councils are abolished. Paragraph 120 of the Guidance says that such a move should only be in exceptional circumstances and there must be "clear and sustained local support for such action", suggesting that informed local support must have been demonstrated for at least eight years. The proposal to abolish these councils was not made until last November, less than a year ago and nowhere near the eight years stated in the Guidance.</p> <p>Because of these failings I do not believe that Somerset West and Taunton Council has met the requirements of the 2007 Act and therefore this council should not approve their recommendations today.</p> |
| PQ3 | Tessa Dean | Taunton Community Governance Review | <p>We encourage all of you here to reject these proposals on the following grounds: The consultation did not follow the required process for local</p> |

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| | | | <p>government consultations: people were not informed, postcards were not delivered, local community groups were not consulted. The main finding (most people wanted the new council to cover the unparished area only) was ignored. The working group created a report after the first consultation which in no way represented local people's views. Their suggested plan (which was not actually a finding of the consultation) even included fields in our parish that don't even have planning applications on them. No-one in Trull was informed of the loss of hundreds of thousands of pounds of CIL money if the proposal is sanctioned.</p> <p>Trull Parish Council stated that they did not want the boundary between us and Comeytrove changed at this time and yet our comments were ignored and buried right down in the report. No-one in the new Urban Extension was informed that a new Taunton Town Council would be increasing their precept by at least 3 times and possible up to 6 times – and for what? Neither CIL money nor precept spent in their area. There will be less representation on the Council (two councillors for the whole of the urban extension and Comeytrove) instead of a whole Parish Council. If this gets approval there will be people in the urban extension who live further from the town centre than Bishops Hull and some will live further from the town centre than people in Trull! It is totally illogical.</p> <p>Stick to the unparished area and leave the other parishes alone, doing otherwise will be opening SCC up to legal challenge.</p> |
| PQ4 | Mike Basach | Taunton Community Governance Review | This is the story of Somerset West & Taunton Council's Community Governance Review as seen through the eyes of Cheddon Fitzpaine Parish Council. |

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| | | | <p>At an SWT meeting last October, a small group of Members got the unexpected opportunity to hi-jack the Review process. As a result, the meeting overturned the honest efforts of their then CGR Working Group. Its key recommendation to confine the scope of the Review to parishing the unparished area of Taunton had been based on QC advice. It identified that fixing the broken unparished area was the non-controversial, legitimate 'core' of the exercise; trying to do more with the CGR might put that 'core' ambition at risk and should be postponed to a later stage. Instead, the meeting adopted a greedy 'let's go large now' proposal that wasn't even tabled at the meeting! Based on the cynical re-engineering of established communities like ours, the Review goes against a fundamental aspect of the relevant Statutory Guidance, which states that carrying the support of the affected communities is paramount. No such support exists in our parish. The consultation consisted of asking our community what we want and then ignoring the bits that don't fit the desired outcome! The official justification is (quote) "This Review is not a referendum." What kind democracy is that?</p> <p>To cut this long story short to 3 minutes, SWT and their new Working Group have steam-rolled their proposal through with undue haste and inadequate publicity, skittling aside all reasonable and legitimate opposition. On the back of that momentum – fearful that the parishing of the unparished area would fall and encouraged by their</p> |
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| | | | <p>legal officer's surprisingly unrealistic advice that the Review was "unchallengeable" – SWT Members voted-through the flawed Review at last Thursday's SWT meeting.</p> <p>Well, the pigeons that were released last October have come home to roost. We've been forced down the legal route and our QC-based advice is that SWT have mis-interpreted the Statutory Guidance.</p> <p>Be in no doubt: we shall continue fighting for our community. But it's more than that. At a time when the standards of our body-politic are in decline, we are fighting for the impartial, non-party-political standards that underpin our parish council's business – and are generally characteristic of the traditional third tier.</p> <p>Your members have the power to protect our Cheddon Fitzpaine community by voting-down this legal and social travesty.</p> |
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| PQ5 | Tony Smith | Taunton Community Governance Review | <p>This Statement is solely concerned with the past, present and future arrangements for the transfer of CIL payments from SW&T to Trull Parish Council, arising from development in the Urban Extension. In 1.5 of Appendix "F" (the GRC Terms of Reference), it is stated that Parish Councils "...may also enter into discussion with the principal councils...about the transfer of services, budgets and assets subject to mutual agreement" [my emphasis]. So, no new arrangements can be imposed, unilaterally, by SW&T.</p> |

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| | | | <p>Section 8.1 discusses Consequential Matters arising from the proposed Reorganisation Order, including the transfer of assets and liabilities. As far as I am aware, no agreement has been arrived at between Trull Parish Council and SW&T to alter the current or future arrangements for CIL payments accruing to the Parish from the Urban Extension, at the 25% rate applicable on account of the Trull Neighbourhood Plan, <i>or</i> for deferment of those payments beyond the dates on which they fall due.</p> <p>Moreover, under 14.4 and 14.5 of Appendix 2, those payments will continue to accrue to Trull Parish, until vesting-day, in 2023. Even after any potential re-organisation of the Parish boundaries, the Trull Neighbourhood Plan will remain in force until it is revoked, <i>by the Parish</i> - so those CIL payments will continue to be payable, by SW&T or its successor, Unitary authority, to Trull Parish Council.</p> <p>These are important matters of democratic principle, as Parish Councils are, and will be, independent statutory bodies, with their own rights and duties.</p> |
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| PQ6 | Jason Woolacott | Taunton Community Governance Review | <p>I am here to make a statement on item #4 on the Agenda, the Community Governance Review.</p> <p>I am the Chairman of Cheddon Fitzpaine Parish Council and wish to strongly object to the inclusion of Cheddon Fitzpaine in this report. There is no support within the whole of Cheddon Fitzpaine Parish for any part of the parish to be absorbed into the new Taunton Parish. Even the data within this report shows that 91% of the respondents do not want to be absorbed. (Section 8.29)</p> <p>Within section 8.33 it suggests that growth of the new urban areas have no integral relation to the village. However, this ignores the</p> |

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| | | <p>fact that over the last 22 years the Parish has built these links and has created a community. The new estate has within their address Cheddon Fitzpaine, so to say people don't feel part of that community, is clearly wrong, and that is part of what we as the Parish have built.</p> <p>Somerset West & Taunton District Council has failed in our opinion to properly consult with the residents, and ignored the information from residents which shows that the residents do not want this change</p> <p>The Legal Guidance makes clear that "the feeling of local community and the wishes of local inhabitants are the primary considerations". As demonstrated above this has not been considered within this report.</p> <p>Therefore, we have had no option but to seek legal advice on this proposal. We have engaged a solicitor who has written to the District Council explaining our position including reference to a previous court ruling of Britwell Parish Council v Slough Borough Council. Where the judge ruled that Slough Borough Council had ignored the guidance around the law, during their community governance review, and ruled that the order had been wrong, and quashed the order.</p> <p>SWT legal has responded disputing this, so we have moved to the next step, which is to get a legal opinion from a Barrister, which ultimately will lead to us seeking a judicial review into this order if it is approved today.</p> <p>The Letter was submitted to Somerset County Legal on the afternoon of Thursday 29th September, laying out the issues that our legal team see with the decision that is being made here.</p> <p>We believe in our parish and will fight to keep it intact and will fight</p> |
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| | | | this decision all the way. |
| PQ7 | Carolyn Warbuton | Taunton Community Governance Review | <p>I am a passionate supporter of local democracy – are you? If you want communities to trust you, you have to trust them. Today, you are probably going to agree to pursue a proposal for Parish Boundary changes, despite what the communities have said in their consultation responses, despite lack of the requisite ‘Clear and sustained local support’, because you are told ‘you have to do what is right’ – remind you of anyone? Is that a good thing? You must want to do good, or you wouldn’t have stood.</p> <p>One reason for a review is changes in local population. Trull has a population of 2,288 people. The Urban Extension would add about 5,000. A significant change, and why we wrote our Neighbourhood Plan - to support development by addressing the demands that development places on the area. That is why we earned the CIL money. Trull can support the new community – we will be their green space and, slightly displaced, their beating heart.</p> <p>Taunton has a population of 60,000 – the new Town Council will be too big and too centrist to provide the support this new community will need. The urban extension is not connected to Taunton – its only road runs between Comeytrove and Trull. It is an isolated housing estate, built to outdated standards -1970’s?</p> <p>So yes, Trull can support them – but not without the CIL money. The Consultation response (Para14.5) lays claim to CIL from the Urban Extension, if received within the proposed Taunton Parish between 1st October 2022 and 31st March 2023. This is an unsubstantiated claim. Government guidance explains that charges will become due from the date that a chargeable development is commenced. This payment is a legal commitment – both to SWT</p> |

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| | | | <p>AND to Trull. Even if you agree the proposed boundary changes, CIL money is liable to be paid to Trull for those areas of Reserved Matters from the date of commencement; not determined by the date that payment is made - even when SWT agrees delayed payment. Trull cannot let this commitment be broken. Locality, the Government support for Neighbourhood Plans, suggests that Trull should take legal advice. Surely this would be regrettable. Please will you send these proposals back for proper reconsideration and the legal advice that has been provided.</p> |
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