

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:

Item 4a	Addendum - Taunton Community Governance Review (final recommendations and revised supporting documents) (Pages 7 - 154)
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Published on 07 October 2022

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

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

Executive Member: Cllr Bill Revans – Leader of the Council

Division and Local Member: All Taunton Divisions

Lead Officer: Scott Wooldridge – Monitoring Officer & Head of Governance and Democratic Services

Author: Clare Rendell – Governance Specialist & Mike Bryant - Service Manager – Democratic Services

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1. Summary

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

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

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

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

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

2.0 Recommendations

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

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

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

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

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

- i) Comeytrowe Parish Council be dissolved, and the entire area of Comeytrowe Parish be included within the boundary of the proposed new Taunton Parish;
- ii) The Killams Green area, currently within Trull Parish Council area, be included within the boundary of the proposed new Taunton Parish;
- iii) The part of the forthcoming development in the south-west corner of Taunton that falls within Trull Parish, including the whole of the development north of Dipford Road, should be included within the boundary of the proposed new Taunton Parish;
- iv) The boundary of Trull Parish to the north-west of Cotlake Hill be altered to follow the green wedge around the Sherford urban area, with the small area to the south of that boundary that is currently within the unparished area of Taunton becoming part of Trull Parish.
- v) The urban area within the Maidenbrook Ward of Cheddon Fitzpaine Parish, including sites earmarked for housing development in the near future, be included within the boundary of the proposed new Taunton Parish.
- vi) The urban parts of Staplegrove Parish, including the entirety of

the forthcoming development in the north-west corner of Taunton, be included within the boundary of the proposed new Taunton Parish;

- vii) The slim part of Staplegrove Parish jutting to the west of Silk Mills Lane be included within the boundary of Norton Fitzwarren Parish;
- viii) The remaining area of the existing Staplegrove Parish be included within the boundary of Kingston St. Mary Parish;
- ix) Staplegrove Parish Council be dissolved.
- x) A small southern portion of the Kingston St Mary Parish area, representing that part of the proposed Staplegrove East development that falls within the parish, be included within the boundary of the proposed new Taunton Parish.
- xi) With the exception of the River Tone flood plain to the east of Silk Mills Road at Longrun Meadow, Galmington Trading Estate and a small section south of the A38 near Rumwell, no part of Bishops Hull Parish be included within the boundary of the proposed new Taunton Parish;
- xii) The small triangular residential area at the cross-section with Wellington Road, currently within the unparished area, be included within the boundary of Bishops Hull Parish;
- xiii) The boundary between Norton Fitzwarren Parish and Bishops Hull Parish, just north of Mill Cottages, be amended to follow the route of the railway line;
- xiv) The Hankridge Retail Park, Creech Castle and the associated Toneway Road, currently within West Monkton Parish, be included within the boundary of the proposed new Taunton Parish, which should run along the railway to the M5;
- xv) With the exception of the above, no part of the existing area of West Monkton Parish be included in the boundary of the proposed new Taunton Parish;
- xvi) No part of the existing area of Norton Fitzwarren Parish be included within the boundary of the proposed new Taunton Parish;
- xvii) the boundary between West Monkton and Cheddon Fitzpaine parishes between Maidenbrook and Yallands Hill south of the Country Park be amended to following the A3259 and new relief road westwards to Maidenbrook Lane.

B. That the new parish be named 'Taunton Parish' and that a parish/town council be established to serve the new parish with effect from 1 April 2023.

C. That the first elections to the proposed new parish/town council for Taunton should be held on the ordinary day of elections (the first Thursday in May) in 2023.

D. That the proposed new Taunton Parish be divided into wards for the

purposes of electing parish/town councillors.

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

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

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

3. Options considered and consultation undertaken

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

4. Implications

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

5. Background Papers

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

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

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

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Community Governance Review of the unparished area of Taunton and eight neighbouring parishes

Amended recommendations (amendments shown in red) agreed at Somerset West and Taunton Council meeting on 29 September 2022

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 reasonable 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 **the River Tone flood plain to the east of Silk Mills Road at Longrun Meadow**, Galmington Trading Estate and a small section south of the A38 near Rumwell, no part of Bishops Hull Parish be included within the boundary of the proposed new Taunton Parish;
 - xii) The small triangular residential area at the cross-section with Wellington Road, currently within the unparished area, be included within the boundary of Bishops Hull Parish;
 - xiii) The boundary between Norton Fitzwarren Parish and Bishops Hull Parish, just north of Mill Cottages, be amended to follow the route of the railway line;
 - xiv) The Hankridge Retail Park, Creech Castle and the associated Toneway Road, currently within West Monkton Parish, be included within the boundary of the proposed new Taunton Parish, which should run along the railway to the M5;
 - xv) With the exception of the above, no part of the existing area of West Monkton Parish be included in the boundary of the proposed new Taunton Parish.
 - xvi) No part of the existing area of Norton Fitzwarren Parish be included within the boundary of the proposed new Taunton Parish.
 - xvii) the boundary between West Monkton and Cheddon Fitzpaine parishes between Maidenbrook and Yallands Hill south of the Country Park be

amended to following the A3259 and new relief road westwards to Maidenbrook Lane.

- B. That the new parish be named 'Taunton Parish' and that a parish/town council be established to serve the new parish with effect from 1 April 2023.
- C. That the first elections to the proposed new parish/town council for Taunton should be held on the ordinary day of elections (the first Thursday in May) in 2023.
- D. That the proposed new Taunton Parish be divided into wards for the purposes of electing parish/town councillors.
- E. That the total number of councillors to be elected to the proposed Taunton Parish/Town Council be 20 and the warding arrangements for the council and the number of councillors to be elected to represent each ward, be as set out at section 9.19 of 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 a **Reorganisation of Community Governance Order 2022 to give effect to the above recommendations based on the draft Order attached at Appendix 'A' and that the Monitoring Officer or Deputy Monitoring Officer be authorised to finalise the text of the draft Order to be submitted to Somerset County Council.**

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.

Somerset West and Taunton Council

Special 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

Report Author: Kevin Williams – Deputy Monitoring Officer SWT
John Williams – CGR Consultant SWT
Marcus Prouse – Specialist Governance SWT

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 reasonable 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

Staplegrove 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 Staplegrove 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 Staplegrove 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 Staplegrove East housing development which extends into Kingston St Mary. The Parish Council expressed surprise at the proposal to incorporate the rural part of Staplegrove Parish into Kingston St Mary and suggested an alternative scenario of using the A358 as the boundary between Taunton and Staplegrove, but undertook to proactively represent and welcome the residents of the rural part of Staplegrove 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 Staplegrove 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 Staplegrove 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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LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Somerset (Somerset West and Taunton) (Reorganisation of Community Governance) Order 2022

Made *(insert date of SCC meeting that makes the Order)*

Coming into force in accordance with article 1(2)

Somerset West and Taunton District Council, in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'), has undertaken a community governance review and made recommendations dated 29 September 2022. In accordance with section 93 of the 2007 Act, Somerset West and Taunton District Council has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient.

In accordance with Regulation 7(2) of the Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008, Somerset County Council ('the council') has decided to give effect to the recommendations of the community governance review undertaken by Somerset West and Taunton District Council.

Somerset West and Taunton District Council and Somerset County Council have, in accordance with section 100 of the 2007 Act, each had regard to guidance issued under that section.

The council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4), 98(6) and 240(10) of the 2007 Act.

Citation and commencement

1. (1) This Order may be cited as the Somerset (Somerset West and Taunton) (Reorganisation of Community Governance) Order 2022.
 - (2) Subject to paragraphs (3) and (4) below, this order comes into force on 1st April, 2023.
 - (3) Article 12 shall come into force on the ordinary day of election of councillors in 2027.
 - (4) For the purposes of:
 - (a) this article;
 - (b) article 7;
 - (c) proceedings preliminary or relating to the elections of parish councillors for the parish of Taunton, to be held on the ordinary day of election of councillors in 2023; and
 - (d) proceedings preliminary or relating to the elections of parish councillors for the parishes of Cheddon Fitzpaine, Kingston St Mary and Trull, to be held on the ordinary day of election of councillors in 2027,

this Order shall come into force on the day after that on which it is made.

2. In this Order-

'county' means the county of Somerset;

'district' means the district of Somerset West and Taunton;

'existing' means existing on the date this Order is made;

'map' means the map marked 'Map referred to in the Somerset (Somerset West and Taunton) (Reorganisation of Community Governance) Order 2022' and deposited in accordance with section 96(4) of the 2007 Act; and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;

'new parish' means the parish constituted by article 4;

'ordinary day of election of councillors' has the meaning given by section 37 of the Representation of the People Act 1983; and

'registration officer' means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

Effect of Order

- 3.** This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

Constitution of a new parish

- 4.** (1) A new parish, comprising the area outlined with a black line on the map (*insert sheet no.*), shall be constituted within the county.

(2) The name of the new parish shall be Taunton.

(3) In consequence of paragraph (1) of this article, the areas outlined as follows on the map (*insert sheet no.*) shall cease to be parts of the existing parishes shown:

- (a) The areas outlined with a (*insert colour no. 1*) line on the map shall cease to be part of the existing parish of Bishops Hull;
- (b) The area outlined with a (*insert colour no. 2*) line on the map shall cease to be part of the existing parish of Cheddon Fitzpaine;
- (c) The area outlined with a (*insert colour no. 3*) line on the map shall cease to be part of the existing parish of Comeytrowe;
- (d) The area outlined with a (*insert colour no. 4*) line on the map shall cease to be part of the existing parish of Kingston St Mary;
- (e) The area outlined with a (*insert colour no. 5*) line on the map shall cease to be part of the existing parish of Staplegrove;
- (f) The areas outlined with a (*insert colour no. 6*) line on the map shall cease to be part of the existing parish of Trull;
- (g) The area outlined with a (*insert colour no. 7*) line on the map shall cease to be part of the existing parish of West Monkton.

Transfer of areas between existing parishes and alteration of parish areas and the areas of parish wards

5. Each area shaded and designated by a letter on the map and specified in column (1) of Schedule number 1 shall cease to be part of the parish and parish ward specified in relation to that area in columns (2) and (3) of the Schedule and shall become part of the parish and where applicable parish ward specified in relation to that area in columns (4) and (5) of the Schedule.

Abolition of parishes

6. Consequent upon the transfer of all parts of their respective areas to other parishes, the parishes of Comeytrove and Staplegrove shall be abolished and their respective parish councils dissolved.

Calculation of budget requirement

7. For the purposes of Regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008 there is specified in relation to the parish of Taunton in the year 2023/24 the sum of £2.114m.

Parish council for the parish of Taunton

8. (1) There shall be a parish council for the parish of Taunton.
(2) The name of that council shall be 'Taunton Parish Council'.

Elections for the parish of Taunton

9. Elections of all parish councillors for the parish of Taunton shall be held simultaneously on the ordinary day of election of councillors in 2023 and subsequently according to the established system of parish elections in 2027 and every fourth year thereafter.

Wards of the parish of Taunton and numbers of parish councillors

10. (1) The parish of Taunton shall be divided into 14 wards which shall be named as set out in column (1) of Schedule number 2.
(2) Each ward shall comprise the area designated on the map (*insert sheet no.*) by reference to the name of the ward and demarcated by (*insert colour*) lines.
(3) The number of councillors to be elected for each ward shall be the number specified in respect of the ward in column (2) of Schedule number 2.

Annual meeting of Taunton parish council

11. The annual meeting of the new parish council in 2023 shall be convened by the Chief Executive Officer of the Somerset Council. The meeting shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

Electoral arrangements of Cheddon Fitzpaine Parish and Trull Parish

12. (1) The parish of Cheddon Fitzpaine shall not be divided into wards
(2) The number of councillors to be elected for Cheddon Fitzpaine Parish shall be five.

(3) The parish of Trull shall not be divided into wards.

(4) The number of councillors to be elected for Trull Parish shall be nine.

Electoral register

13. The registration officer for Somerset West and Taunton Council (until 31 March 2023) and the registration officer for the Somerset Council (from 1 April 2023) shall each make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order

Transfer of land, property, services, funds, responsibilities and/or other matters

14. The land, property, services, historical and ceremonial property, funds and balances, maintenance or other responsibilities and/or other matters described in column (1) of Schedules 3 to 7 shall transfer from the principal council or parish council or other body specified in relation to that land, property, service, historical or ceremonial property, fund or balance, maintenance or other responsibility and/or other matter in column (2) of the Schedule to the parish council specified in relation to that land, property, service, historical or ceremonial property, fund or balance, maintenance or other responsibility and/or other matter in column (3) of the Schedule on the date specified in column (4) of the Schedule.

Charter Trustees of the Town of Taunton

15. (1) Any officers appointed by the charter trustees for the proper discharge of their functions who hold office immediately before the date of dissolution of the charter trustees ('the date of dissolution') shall by virtue of this Order be transferred on the date of dissolution and on the same terms and conditions of appointment to the employment of the Taunton Parish Council.

(2) Any powers to appoint local officers of dignity exercisable by the charter trustees immediately before the date of dissolution shall be exercisable by the Taunton Parish Council.

(3) Any functions that would have been exercisable in relation to the account of the charter trustees or as the case may be their responsible financial officer if the charter trustees had not been dissolved shall on and after the date of dissolution be exercisable by the Taunton Parish Council or as the case may be the parish council's responsible financial officer.

Transitional provision

16. Until the councillors elected to the council of the new parish of Taunton at the elections to be held on the ordinary day of election of councillors in 2023 come into office, the new parish shall be represented by those persons who immediately before 1 April 2023 are elected county councillors for all divisions all or part of which fall within the area of the new Taunton Parish and/or are members of the Charter Trustees for Taunton, together with up to two persons to be nominated before 31 March 2023 by Comeytrowe Parish Council, up to one person to be nominated before 31 March 2023 by Staplegrove Parish Council and up to one person to be nominated before 31 March 2023 by Cheddon Fitzpaine Parish Council.

Order date

17. 1st April 2023 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

Sealed with the seal of the council on the day of (*month*) year)

[Date]

[Signature]
[Title of signatory]

MEMORANDUM OF UNDERSTANDING RELATING TO LAND AND PROPERTY HELD AND SERVICES DELIVERED BY SOMERSET WEST AND TAUNTON DISTRICT COUNCIL TO BE TRANSFERRED TO TAUNTON PARISH COUNCIL

(This memorandum of understanding is not part of the Order)

As a matter of law and fact allotments within the area of the new Taunton Parish and civic regalia relating to the mayoralty of Taunton will transfer automatically to the new Taunton parish Council by virtue of statute (Regulation 9 and 15 of the Local Government (Parishes and Parish Councils) (England) Regulations 2008 No 625).

In relation to other land, property and services held by Somerset West and Taunton District Council and services administered by them, which will automatically transfer to Somerset Council under the terms of the Somerset (Structural Changes) Order 2022, there are discussions between Somerset County Council (the continuing authority) and Somerset West and Taunton Council, as to the transfer of certain land, property and services to the new Taunton Parish Council subject to its establishment from 1st April 2023. These assets will automatically transfer to the new Unitary Council on 1st April 2023 from SWT.

There are two options:

- a) In the event that the County Council Executive in its discretion, decides (on a date to be settled) that there shall be a schedule of Assets and Services to be transferred to the new Taunton Parish Council, then, this list shall be set forth in Schedule 3 to the Reorganisation Order. It will not form part of the Order to be made by the continuing authority since the transfer will be an Executive function reserved to the Executive of SCC. It will however, give a clear indication of the intentions of the continuing authority to transfer the assets subject to the making of the Order. The decision making body for such transfer is the Executive of Somerset County Council.
- b) In the event that the Executive of the County Council do not agree in principle such transfers prior to the of the Reorganisation Order being made, then the position will be as follows: The sole assets to be transferred shall be the allotments and civic regalia. Such further transfers that may take place will be a matter for the relevant bodies.

SCHEDULE [1]

Article 5

ALTERATION OF AREAS OF PARISHES AND PARISH WARDS

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)
Area(s) (as indicated on map)	Parish from which omitted	Parish ward from which omitted	Parish to which added	Parish ward to which added
'A'	<i>Comeytrowe</i>	<i>Not applicable</i>	<i>Taunton</i>	<i>Comeytrowe</i>
'B'	<i>Trull</i>	<i>Killams</i>	<i>Taunton</i>	<i>Vivary</i>
'C'	<i>Trull</i>	<i>Trull</i>	<i>Taunton</i>	<i>Comeytrowe</i>
'D'	<i>Not applicable</i>	<i>Not applicable</i>	<i>Trull</i>	<i>Not applicable</i>
'E'	<i>Cheddon Fitzpaine</i>	<i>Maidenbrook</i>	<i>Taunton</i>	<i>Maidenbrook</i>
'F'	<i>Staplegrove</i>	<i>Not applicable</i>	<i>Taunton</i>	<i>Staplegrove</i>
'G'	<i>Staplegrove</i>	<i>Not applicable</i>	<i>Norton Fitzwarren</i>	<i>Not applicable</i>
'H'	<i>Staplegrove</i>	<i>Not applicable</i>	<i>Kingston St Mary</i>	<i>Not applicable</i>
'I'	<i>Kingston St Mary</i>	<i>Not applicable</i>	<i>Taunton</i>	<i>Staplegrove</i>
'J'	<i>Bishops Hull</i>	<i>Not applicable</i>	<i>Taunton</i>	<i>Comeytrowe</i>
'K'	<i>Not applicable</i>	<i>Not applicable</i>	<i>Bishops Hull</i>	<i>Not applicable</i>
'L'	<i>Bishops Hull</i>	<i>Not applicable</i>	<i>Norton Fitzwarren</i>	<i>Not applicable</i>
'M'	<i>Norton Fitzwarren</i>	<i>Not applicable</i>	<i>Bishops Hull</i>	<i>Not applicable</i>
'N'	<i>West Monkton</i>	<i>Not applicable</i>	<i>Taunton</i>	<i>Halcon & Lane</i>
'O'	<i>Cheddon Fitzpaine</i>	<i>Maidenbrook</i>	<i>West Monkton</i>	<i>Not applicable</i>
'P'	<i>Bishops Hull</i>	<i>Not applicable</i>	<i>Taunton</i>	<i>Manor & Tangier</i>
'Q'	<i>Cheddon Fitzpaine</i>		<i>Taunton</i>	<i>Wellsprings & Rowbarton</i>
'R'	<i>Cheddon Fitzpaine</i>		<i>Taunton</i>	<i>Pyrland</i>

SCHEDULE [2]

Article 10

WARDS OF THE PARISH OF TAUNTON

NAMES AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS

Column (1)	Column (2)	Column (3)
Name of Ward	Area of Ward	Number of Councillors
<i>Blackbrook & Holway</i>	<i>The district ward of Blackbrook & Holway</i>	2
<i>Comeytrowe</i>	<i>As indicated on map</i>	2
<i>Halcon & Lane</i>	<i>As indicated on map</i>	2
<i>Lyngford</i>	<i>As indicated on map</i>	1
<i>Maidenbrook</i>	<i>As indicated on map</i>	1
<i>Manor & Tangier</i>	<i>As indicated on map</i>	1
<i>North Town</i>	<i>The district ward of North Town</i>	1
<i>Obridge</i>	<i>As indicated on map</i>	1
<i>Pyrland</i>	<i>As indicated on map</i>	1
<i>Staplegrove</i>	<i>As indicated on map</i>	1
<i>Victoria</i>	<i>The district ward of Victoria</i>	2
<i>Vivary</i>	<i>As indicated on map</i>	2
<i>Wellsprings & Rowbarton</i>	<i>The district ward of Wellsprings & Rowbarton</i>	2
<i>Wilton & Sherford</i>	<i>As indicated on map</i>	1

SCHEDULE [3]

Article 14

LAND, PROPERTY AND SERVICES TO BE TRANSFERRED

Column (1)	Column (2)	Column (3)	Column (4)
Land, property and services to be transferred	To be transferred from	To be transferred to	Date
<p><i>To insert above:</i></p> <ul style="list-style-type: none"> - <i>All land and property held and services delivered by any of the existing parish councils in the area under review relating to any area that as a consequence of this Order is transferred from one parish to another.</i> - <i>Any land and property held by the Charter Trustees for Taunton</i> - <i>Any interests in land used for allotments within the area of the new Taunton parish</i> - <i>Any assets that are agreed by the Executive of Somerset County Council to transfer to the new Taunton Parish Council pursuant to the memorandum of understanding issued alongside this order.</i> 			

SCHEDULE [4]

Article 14

HISTORICAL AND CEREMONIAL PROPERTY TO BE TRANSFERRED

Column (1)	Column (2)	Column (3)	Column (4)
Historical and ceremonial property to be transferred	To be transferred from	To be transferred to	Date
<p><i>To insert above:</i></p> <ul style="list-style-type: none"> - <i>All historical and ceremonial property held by the Charter Trustees for Taunton</i> 			

SCHEDULE [5]

Article 14

FUNDS AND BALANCES TO BE TRANSFERRED

Column (1)	Column (2)	Column (3)	Column (4)
Funds and balances to be transferred	To be transferred from	To be transferred to	Date
<p><i>To insert above:</i></p> <ul style="list-style-type: none"> - Any funds and balances held by any of the existing parish councils in the area under review relating to any area that as a consequence of this Order is transferred from one parish to another. - Any funds and balances held by the Charter Trustees for Taunton <p><i>(If none, Schedule to be deleted)</i></p>			

SCHEDULE [6]

Article 14

MAINTENANCE [OR OTHER] RESPONSIBILITIES TO BE TRANSFERRED

Column (1)	Column (2)	Column (3)	Column (4)
Maintenance [or other] responsibilities to be transferred	To be transferred from	To be transferred to	Date
<p><i>To insert above:</i></p> <ul style="list-style-type: none"> - Any maintenance or other responsibilities of the existing parish councils in the area under review relating to any area that as a consequence of this Order is transferred from one parish to another. - Any maintenance or other responsibilities held by the Charter Trustees for Taunton - Any maintenance or other responsibilities that are agreed to transfer to the new Taunton Parish Council consequent on any transfers of land, property and/or services that that are agreed by the Executive of Somerset County Council to transfer pursuant to the memorandum of understanding issued alongside this order. <p><i>(If none, Schedule to be deleted)</i></p>			

SCHEDULE [7]

Article 14

[OTHER MATTERS] TO BE TRANSFERRED

Column (1)	Column (2)	Column (3)	Column (4)
[Other matters] to be transferred	To be transferred from	To be transferred to	Date
<i>To insert above:</i> <ul style="list-style-type: none">- Any other matters to be transferred from one parish council or other body to another consequent on or pursuant to this Order. <i>(If none, Schedule to be deleted)</i>			

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations made by Somerset West and Taunton District Council for the creation of the new parish of Taunton and the creation of a council for that new parish; the alteration of the areas of the parishes of Bishops Hull, Cheddon Fitzpaine, Kingston St Mary, Norton Fitzwarren, Trull and West Monkton; and consequent upon all parts of their areas being transferred to other parishes, the abolition of the parishes of Comeytrove and Staplegrove and the dissolution of their respective parish councils within the district of Somerset West and Taunton in the county of Somerset.

The parish of Taunton will be created with effect from 1 April 2023. The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2023.

Article 9 provides for parish elections in the parish of Taunton in 2023, and then to continue according to the established system of parish elections every four years.

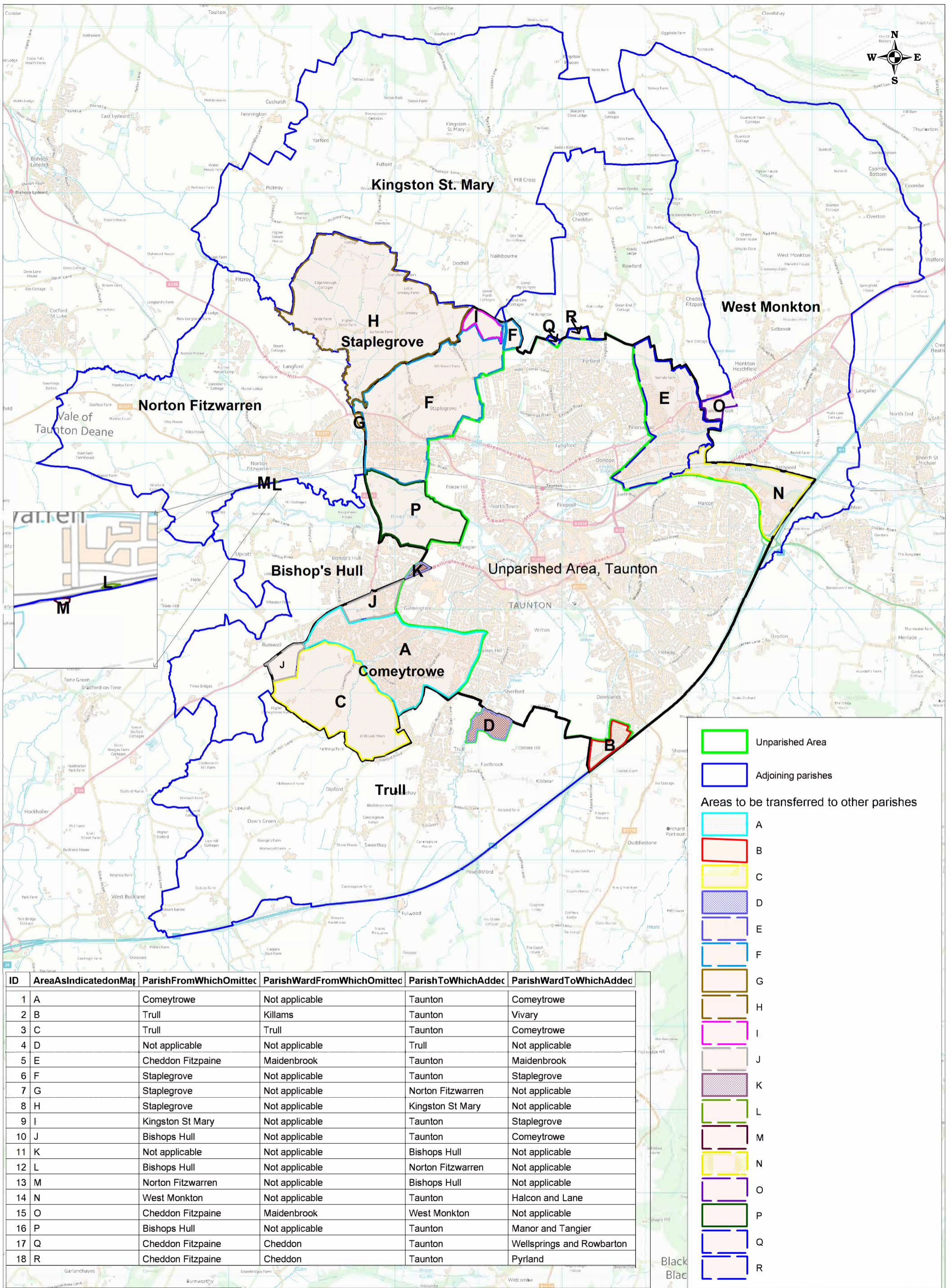
Article 10 specifies the numbers of parish councillors for the new parish of Taunton.

Article 10 and the map (*insert sheet no.*) establish the names and areas of the wards of the new parish of Taunton and the numbers of councillors for each ward.

Article 13 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

The map defined in article 2 shows the new parish boundaries and the boundaries of the wards of the parish of Taunton. It is available, at all reasonable times, at the offices of Somerset County Council.

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ID	AreaAsIndicatedonMap	ParishFromWhichOmitted	ParishWardFromWhichOmitted	ParishToWhichAdded	ParishWardToWhichAdded
1	A	Comeytrowe	Not applicable	Taunton	Comeytrowe
2	B	Trull	Killams	Taunton	Vivary
3	C	Trull	Trull	Taunton	Comeytrowe
4	D	Not applicable	Not applicable	Trull	Not applicable
5	E	Cheddon Fitzpaine	Maidenbrook	Taunton	Maidenbrook
6	F	Staplegrove	Not applicable	Taunton	Staplegrove
7	G	Staplegrove	Not applicable	Norton Fitzwarren	Not applicable
8	H	Staplegrove	Not applicable	Kingston St Mary	Not applicable
9	I	Kingston St Mary	Not applicable	Taunton	Staplegrove
10	J	Bishops Hull	Not applicable	Taunton	Comeytrowe
11	K	Not applicable	Not applicable	Bishops Hull	Not applicable
12	L	Bishops Hull	Not applicable	Norton Fitzwarren	Not applicable
13	M	Norton Fitzwarren	Not applicable	Bishops Hull	Not applicable
14	N	West Monkton	Not applicable	Taunton	Halcon and Lane
15	O	Cheddon Fitzpaine	Maidenbrook	West Monkton	Not applicable
16	P	Bishops Hull	Not applicable	Taunton	Manor and Tangier
17	Q	Cheddon Fitzpaine	Cheddon	Taunton	Wellsprings and Rowbarton
18	R	Cheddon Fitzpaine	Cheddon	Taunton	Pyrland

Map referred to in the Somerset (Somerset West and Taunton) (Reorganisation of Community Governance) Order 2022. (Sheet number 1)
 Date: 29/09/2022
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 Somerset West and Taunton Council



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Community Governance Review Working Group – 16/08/22 @ 1.30pm

Attendees: Cllrs Perry (in the Chair), N Cavill, S Coles, L Lisgo, L Whetlor, M Rigby
Cllr S Wakefield

Officers: J Williams, M Prouse, K Williams, R Williams, A Tregellas.

Apologies: Cllrs J Hunt & A Sully

1. Introductions

- The Chair introduced Cllr Wakefield who was in attendance in her new guise as the Portfolio Holder for Local Government Re-Organisation.
- The Chair asked Reg Williams, Consultant from Society of Local Council Clerks to introduce himself and his background in setting up Salisbury City Council.

2. Consideration of the Stage 2 Consultation Responses and Analysis

The Chair welcomed the Working Group and acknowledged that all Members had seen the emails with the collated responses and the associated analysis, which had also been sent via Hard Copy.

The Specialist in Governance took the Group through the analysis documentation and the key themes emerging from the Consultation responses question by question.

Questions and comments within the discussion are summarised below:

- An in-depth consideration of the Somerset Association of Local Council's (SALC) response was discussed.
- The Chair agreed SALC should be involved but in particular reference to their suggestion to re-do a CGR in five years time, leaving aside time and resources to do this again – their suggestion of the Unparished Area did not accord with the government guidance including amongst other issues that boundaries reflect the true boundaries of town.
- The response from SALC was acknowledged but their inclination for simplicity in parishing the Unparished Area only had been considered by the Working Group and the Council and dismissed, with the Working Group seeking to create an accurate community for the area in accordance with guidance.
- The forthcoming boundary review in 2023 was noted which would potentially want to align parish boundaries etc and this could impact that and led weight to proceeding with the proposal as is rather than delaying.
- Concern was raised that a number of residents had not responded to the consultation so it was difficult to gauge a true picture of public sentiment. It was stated that the Working Group was the body charged with making a further proposal to Full Council and the decision would be based not on superior knowledge but an understanding of the situation across the board

and a range of factors including submissions made to the consultation. It was stated that certain responses were from vested interests and this would not sway the consideration of a greater good. Consultation exercises were important but Councillors had to make judgements taking into account various factors.

- The Chair confirmed that whilst the response rate was low it was not untypical of other reviews that had taken place. Councillors needed to take account of everything said and treat it with care and in the round.
- The Electoral Consultant reminded Councillors of the criteria outlined in the Statutory Guidance. The Consultation was an important part of the process, with the response to question 5 giving a general endorsement of the approach the Working Group had taken.
- It was suggested that the Working Group considered each of the areas again, drilling down further into responses to question 6 and looking at the circumstances of the responses in each area.
- The Consultant from SLCC made the observation that in terms of development crossing boundaries, there could be substantial CIL monies accrued to Parish Councils to mitigate the impact of development.
- The Chair confirmed that the Working Group had not looked at the boundaries with CIL in mind but rather in a holistic way at any historic growth and based on community interest and identity rather than money.
- The Chair took a sounding from the Group and taking into account the responses it was:
- **AGREED** unanimously that the creation of a Town Council was supported with an in principle support for the proposition that the boundary is extended beyond the unparished area.
- The Group then moved to consider each area of the map in turn following the recommendation of the Electoral Consultant in understanding the responses received from each area to the proposal.

- **TRULL PARISH COUNCIL AREA**

- The suggested amendment made by the Parish Council was considered, including with the attached map showing the proposed revision above Dipford Road.
- Only six responses to the second stage consultation were received from respondents identifying themselves as residents of Trull Parish and four came in via email. Although a clear majority of the portal responses did not support the proposals, the Working Group noted the low number of responses. A strong view from the email responses was support for the Orchard Grove development going into the Town Council area.
- It was questioned whether there was any downside on the playing fields identified in the Trull response being outside of the Town Council area.
- It was commented that the CIL monies would enable the playing fields to be developed as a community asset for both Trull and Orchard Grove residents.

It was considered that the Parish Council had made a strong argument that the playing fields needed to be delivered as soon as possible and that there was a risk the developer may not deliver if left longer.

- Concern was raised about the principle of splicing development and a desire to try and remain consistent in applying reasoning to the boundaries, especially as Trull's suggested boundary was considered more artificial than the Working Group proposal consulted on.
- It was agreed to re-consider this at the next meeting for a final decision.

- **COMEYTROWE PARISH COUNCIL AREA**

- 33 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).
- On the basis of the above and taking it into account the Working Group did not consider there was any compelling reason to vary the draft recommendation and that the final recommendations should include the proposed abolition of Comeytrove Parish Council and that the entire area of Comeytrove Parish should be included within the boundary of the proposed new Taunton Parish.

- **BISHOPS HULL PARISH COUNCIL AREA**

- It was agreed that there had been no responses disagreeing with the inclusion of Galmington Trading Estate.
- 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.
- 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.
- Some members of the Working Group felt that it was difficult to justify the exclusion of Bishops Hull when looking at the map. It was considered that whilst the interpretation of guidelines supported this as a valid view, it was raised that the proposal consulted on had created a legitimate expectation that Bishops Hull in the main would not be included and the Council had received no fresh information through consultation to change this view, and to include the urban part entirely would probably necessitate re-consultation.
- It was agreed to defer a final decision until all Group Members could be present to discuss.

- **STAPLEGROVE PARISH COUNCIL AREA**

- 39 online responses to the second stage consultation were received from respondents identifying themselves as residents of Staplegrove Parish with 12 responses also made via email and paper copy. Of the online responses, 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. Of the paper and email responses, 50% agreed that the boundary of any Taunton Parish/Town Council should take in areas of urban extension and 41% disagreed. 58% did not support the overall draft proposals whilst 33% did.
- The Working Group considered the responses but felt the development was key in this context, and members had received assurances from Officers on the development's progress. The argument put forward that 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. Officers from Planning were requested to provide further detail on the area of bat mitigation left in Kingston St. Mary Parish.

- **CHEDDON FITZPAINE PARISH COUNCIL AREA**

- 111 responses were received to the second stage consultation from respondents identifying themselves as residents of Cheddon Fitzpaine Parish. Of the online respondents, 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.
- It was commented and agreed that a large number 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 with e.g. questioning viability, when 150 is considered the minimum for a viable Parish.
- The abolishing of it 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.
- 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 causal 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.
- There had been no engagement with the responses to the suggestion of tidying up the boundaries between West Monkton and Cheddon Fitzpaine south of the A3259 to tie it to the road in line with guidance on strong physical boundaries.
- **WARDING PROPOSALS**

- The Working Group considered the responses in relation to warding.
- The response and work undertaken by Mr House was commended.
- One Councillor expressed a preference for single member wards to ensure parity across the piece and this would necessitate a recalculation.
- It was agreed to defer this discussion until the next meeting.

The Chair closed the meeting and requested that for the next meeting further detail was provided on the following areas of discussion:

1. Trull Parish Council's suggested amendment.
2. An up to date map showing the new relief road and its intersection with the A3259 in Cheddon Fitzpaine Parish.
3. A further detailed look at the responses from Bishops Hull Parish Council
4. An update on the Staplegrove East Development particularly in relation to the Bat Mitigation section in Kingston St Mary Parish
5. Warding

The meeting closed at 3.45pm

Community Governance Review Working Group – 19/08/22 @ 9am

Attendees: Cllrs Perry (in the Chair), N Cavill, S Coles, L Lisgo, L Whetlor, M Rigby, Cllr J Hunt.

Cllr H Farbahi

Officers: P Fitzgerald, A Tregellas, J Williams, M Prouse, K Williams, M Bryant, S Fox.

Apologies: Cllr A Sully

1. To approve the minutes of the last meeting

The notes from 16/08/22 were approved by the Working Group as a correct record.

2. Assets discussion in relation to providing a budget amount as part of the re-organisation order

The Deputy Monitoring Officer commenced the discussion and stated that there had clearly been a differing view on the email which set out the staging for implementation and a de minimis position for Day 1, if created. Discussion at the Lawyers and Monitoring Officer LGR Group had suggested that the Working Group's aspirations would run into legal issues, firstly in terms of s24 consents and then that any Town Council would not legally exist until 1st April 2023. Any prospect of transfers being listed in a re-organisation order would be difficult, due to the time constraints. His overriding concern was ensuring the Council had a political and administrative way forward. It was not clear if the Executive at both Councils were on board with this approach.

The Chair of the Working Group responded that he was less worried about issues pertaining to s24, given the political make-up of both Councils. The Vice-Chair felt it was right that this had come to the group today but that the list of assets had been around for a while and derived from Salisbury City Council's list. A view was expressed that the re-organisation order did not have to have in it a detailed list of assets to be transferred. The importance between now and October as to what transfers will transfer and the effect on the precept was considered. It was recognised the consensus view at SCC was that when it comes to asset transfers and devolution that there should be a principle of cost neutrality. The Chair felt that the Council could set a budget in October with relative certainty as to that whatever followed would be cost neutral and the October budget would set parameters. The argument about the inability to transfer to a non-existent body was not considered strong as there was no gap in time between the dissolving of one and creation of another.

Questions and comments within the discussion are summarised below:

- Councillors agreed that there was an expectation that whatever set up was to be a going concern, and it was considered critical to Taunton that no advantage or disadvantage was given.
- A brief explanation was given by the Chair as to how, if passed, the assets and liabilities of those areas from existing parishes would transfer in response to a question on such.
- The s151 Officer clarified that in Year 1 the new Town Council would adopt and set its own budget by October 2023. The preparation had been driven to date by a position of focusing on the safe and legal establishment and then expanding from there. His fundamental point was in establishing which Tier 3 town and parish services transferring from the District Council's functions and responsibilities were being discussed. The Town Council needed to decide what it was going to do first, driven by function rather than solely focus on an asset, which often made up part of a service. The Council had to have capacity to deliver and that drove the budget calculation.
- The Officers required a clear steer as the intention was to conclude on the budget calculation work early next week, and there was not much time left.
- It was agreed that whilst Salisbury City Council had been discussed in relation to a wish list for some time, the detailed proposals had not been considered.
- The Deputy Monitoring Officer reiterated there was a need to prepare a re-organisation order that would get consent. The concern was that if anything in this caused upset this whole project might not be completed.
- It was posited that there could be a delineation between the asset transfer and the service delivery transfer, with the service delivery transfer concentrated on after Vesting.
- It was confirmed that the Re-Organisation Order was not a prescribed document and there was discretion as to what went in it.
- Concern was raised around the transfer of assets without a service. The complications arising around admitted body status meant there were implications that could lead to assets transferring first.
- It was posited that one way to avoid these complications in staff transfers would be that there would be a clear understanding for a specified period of time that the new town council commissioned and contracted with the Unitary to maintain its parks, which could be revisited over time.
- The s151 confirmed that the County Council is the authority that would approve the order and be the consenting body making the decision. The s24 process was thought not to be a crucial factor.
- It was raised that issues relating to this had been raised a year ago and there seemed to be gaps where progress had not been made.
- The Monitoring Officer confirmed that she had experience of being a town clerk where the Council commissioned services from the principal authority and paid the district council and this was a potential easier model to implement.
- There were several Parks in Taunton held in trust and there would be a legal view on whether they could transfer or not. The draft list of Assets provided by

the Vice-Chair was being analysed and he had requested it was not shared with the wider Working Group to ensure it made sense first.

- The view was expressed that the public would expect the Town Council to do something.
- It was felt that something like the Crematorium was too complicated to transfer and should be removed from consideration.
- In consideration of Allotments which would transfer to Tier 3 by statute, a number of these were managed by management companies with some leases coming to an end shortly. A request for details as to their income and exact dates had been made of the Assets team.
- In consideration of premises, an update was given on a site visit conducted by officers of both the Old Municipal Buildings (OMB) and the Market House. The OMB whilst it was considered from a historical perspective the logical home of any Taunton Town Council, did come with its own set of issues.
- There had been no planned maintenance on the building, but it was currently rented to the registrars/coroners by SWT Council for an income, with SWT only responsible for upkeep of the exterior. The repairs had been reactive rather than proactive. If that building was the preferred option then a condition survey would need to be undertaken at speed which would cost around £5000 and consequent to that a planned maintenance schedule prepared. The initial discussions with SCC had been around offering a transitional hire agreement rather than wholesale transfer of the building.
- A Councillor raised the point that the OMB would need to be fully brought up to code by the Unitary before it was transferred over to Taunton Town, if at all.
- Public Conveniences and the Fons George Car Park were also described on the list.
- The Working Group agreed that any County Council Assets would be out of the equation and the discussion related purely to District Assets.
- It was stated that for Town and Parish Councils the primary income generation method was that of Council Tax, and anything that transferred would have to do so fully funded.
- It was commented that whenever any transfers took place there would likely be a sharp increase in Taunton Town Council's precept regardless, due to its historical low starting point.
- Concern was raised at the arbitrary manner of these discussions and it was suggested a separate meeting was convened to reconsider the assets list in detail.
- Officers posited that asset transfers could be referred to generally in any report/order. This would be an indication of the broad areas upon which there may be consent to transfer. The words could be fashioned and then negotiations could continue between the decision and Vesting day.
- A further meeting was agreed to be scheduled to further discuss this matter.

3. Consideration of the Stage 2 Consultation Responses and Analysis

The Chair invited Simon Fox, Major Projects Officer in Planning to give the Working Group the further detail requested on both the Staplegrove scheme and the Orchard Grove development.

Questions and comments within the following discussion are summarised below:

STAPLEGROVE/KINGSTON ST MARY PARISH AREA

- The bat mitigation and area enclosed had been subject to representations in the SHLAA. The Chair stated that the Working Group had been cautious about setting a view that the boundary is set to indicate where development would be, however the bat mitigation is part of the development so for consistency there was a case to argue that it should have been included.
- In response to a query as to why the developer had not included any housing in that part when it was seen as likely, it was posited that there may have been a political calculation made when seeking approvals. There was considered a real prospect of this site coming forward for housing and under the emerging Garden Town stewardship elements, if houses were built in this area they would be paying a management fee and a parish precept to Kingston St Mary parish under the current proposals.
- The CGR Consultant cautioned that anything looking beyond 5 years was difficult to justify unless there was a realistic probability of it coming forward in that 5 year horizon.
- **The Working Group agreed to confirm its original proposal in relation to Kingston St Mary/Staplegrove Parish Area and not make any further amendment.**

TRULL PARISH AREA

- The Working Group re-considered the suggestion put forth by Trull Parish Council.
- The logic behind the expressed view of the Parish Council was suggested as coming from a place whereby if the council does not buy the land at independent valuation and it reverts back to developer, then there is a risk it does not come forward for open space, however it would be for the principal council to purchase the land proposed to be playing fields, not the Parish or a Town Council if it ended up in the area.
- It was suggested that as already discussed the proposal was considered arbitrary and a suggestion was made to include whole thing bearing in mind that the prospect of open space management was seemingly not in Trull Parish Council's desires.
- A view was expressed that in relation to the boundary and the three options discussed, Trull Parish Council's was the weakest proposal.
- A view was expressed that to take in the whole of the development would jut too far into Trull Village and that considering all of the evidence the view was

held that Dipford Road was the stronger proposed boundary in line with the guidance.

- **The Working Group agreed to confirm its original proposal in relation to Trull Parish and not make any further amendment.**

CHEDDON FITZPAINE & WEST MONKTON PARISH AREA

- Officers confirmed that a Legal Letter had been received on behalf of Cheddon Fitzpaine Parish Council challenging the review. Officers would share the document with all Group Members and advise when a response had been prepared.
- In further consideration of the proposal on whether the current boundary between West Monkton and Cheddon Fitzpaine parishes between Maidenbrook and Yallands Hill south of the Country Park should be amended, for example by following the A3259 westwards to Maidenbrook Lane was considered.
- Councillors raised that the guidance (Para 85) talks about an opportunity to put in place strong boundaries, which this suggested change did by tying it to the road.
- A Councillor raised that they had had informal conversations with Cheddon Fitzpaine Parish Councillors who had had no issues with simplifying the boundary line.
- Concern was raised that the principal purpose of this review was to set a town council up and there had not been any positive consent by both parish councils to the suggestion, although West Monkton Parish Council had outlined their support in their written response.
- Members raised concerns around securing that land from future speculative development with a strong parish council to fight its corner.
- It was commented that as no one currently lived within that area identified the change could be justified under the guidance.
- **The Working Group took a vote and agreed with proposing to amend the ancillary boundary, following the context given by the local Member.**

BISHOPS HULL PARISH AREA

- An overview was given on the discussion that had taken place so far in relation to Bishops Hull.
- The Ward Member stated that objections were being raised by non-residents and the reasoning given was not logical, it was based on a view as to it being included because another area had been (Comeytrowe).
- The CGR Consultant stated that the Working Group needed to take a cautionary view as there had been no proposal for Bishops Hull to be a part of town council and further consultation would be required.

- An example was given that those Bishops Hull residents who didn't respond to the 2nd Stage who perhaps would have done if they had known there was to be a proposal for it to be included.
- It would be difficult to legitimately make such a large change at this stage of the review.
- A Councillor raised that at the first meeting of The Charter Trustees for Taunton in 2019 the Ward Member had raised points around the Mayor not representing the whole of Taunton.
- The Ward Member accepted that the Mayor of Taunton, if this proposal went through as is, would not then represent Bishops Hull.
- The Chair summarised that there were strong arguments for the inclusion of Bishops Hull, however, the Working Group had not received any further information as a result of the second stage consultation on this aspect which they didn't know when the decision was made to exclude Bishops Hull.
- The Ward Member caveated that there had been a large weight of opinion when they were canvassing in the Parish as part of the May Elections which informed them that the Working Group had made the right call with its proposal to exclude Bishops Hull.
- **The Working Group agreed to confirm its original proposal in relation to Bishops Hull Parish and not make any further amendment.**

The meeting closed at 12.05pm midday.

Community Governance Review Working Group – 25/08/22 @ 3.30pm

Attendees: Cllrs Perry (in the Chair), N Cavill, S Coles, L Lisgo, M Rigby, Cllr J Hunt.

Cllr H Farbahi

Officers: A North, P Fitzgerald, A Tregellas, J Williams, M Prouse, K Williams, R Williams, S Noyce, C Hall, P McClean, E Day.

Apologies: Cllr A Sully and Cllr L Whetlor

1. To approve the minutes of the last meeting

The notes from 19/08/22 were approved by the Working Group as a correct record.

2. To receive an update on any action points arising from previous meetings

The Governance Specialist had provided a copy of the legal letter to all Working Group members and the response was aiming to be sent out by the end of the following week. This would also be shared with the Working Group when finalised.

3. Consideration of the Stage 2 Consultation Responses and Analysis in relation to the proposals and finalise Warding

The Chair directed the Working Group in particular to the two submissions that provided a detailed response on the proposed Warding received by Roger House and the Taunton Labour Party.

Questions and comments within the discussion are summarised below:

- A view was posited that residents could sometimes play multi member wards Councillors off each other in terms of consistency of response as a negative.
- In terms of the specific proposals made by the Taunton Labour Party specifically in relation to Priorswood Ward, the names of the three proposed wards mean something to those who lived in those various areas.
- It was noted there can be problems if a councillor is not very good or dies in office.
- It was commented that Mr House's proposal was based only on the Unparished Area rather than engaging with the area consulted on and that if the principles of his proposal were taken forward you would be looking at a Council of nearly 30 Councillors, which was felt too high.
- It was noted that the naming and split of Priorswood had been independently proposed by both the House and Labour proposal, however, the Working Group had agreed to discount the House proposal from further consideration.
- It was commented that the number of Councillors (20) was considered ideal.
- Looking at the map, all of the single member wards were close to multi-member wards and so could conceivably lean on those in times of need.

- It was commented in response that this type of support could also take place if all wards were single member or if Maidenbrook was changed to a 2 member ward and Priorswood to a 2 member ward.
- An opinion was offered that single member wards sometimes was prohibitive to strong independent candidates coming through.
- The Electoral Services Specialist outlined that the least amount of changes would make things easier from a work perspective as Officers would have to do a polling station review once this proposal was firmed up.
- Councillors were cautioned that in considering polling stations, you couldn't always match stations to the relevant polling districts.
- The Electoral Specialist also stated that there was to be a Boundary Review under the new unitary in the next four years. When the last review was undertaken they have typically looked at town councils and made changes to those that are warded - e.g. Wellington and Minehead, so there could be opportunity to do tweaks to what was proposed later on.
- A vote was taken on the three options felt possible for the Priorswood and Maidenbrook Ward. No Councillors voted in favour of the existing map in relation to what had been proposed (3 Cllrs for Priorswood and 1 for Maidenbrook).
- Three Councillors voted in favour of the breaking up of the Priorswood into three single member wards and Maidenbrook remaining as a one member ward. Three Councillors voted for the alteration of Priorswood into a two member ward and Maidenbrook into a two member ward.
- It was agreed to defer the final decision on the Maidenbrook/Priorswood Ward issue until the Working Group next met when hopefully a full contingent of the Group could input. Those who had already voted today if they couldn't attend agreed their vote would go forward as was. Officers were requested to draw up the maps to showcase the two options discussed.
- It was agreed that all other wards were to remain as proposed.

4. Continuation of the Assets discussion in relation to providing a budget amount as part of the re-organisation order

The Chair then invited the s151 to give a brief presentation following on from the discussions begun at the previous meeting with the initial draft of a potential budget for the first year of the Town Council.

Questions and comments within the discussion are summarised below:

- Comment was made that the suggested staffing budget was too high in relation to the overall budget.
- A query was raised as to the relative number of those properties in Bands A, B and C.
- Officers had been working from an understanding that the budget was based on Phase 1 of a two-stage approach, with a primary focus on getting a Town Council off the ground.

- Officers cautioned that this needed to be a focused activity on essentially what would move into the parish precept from district to town.
 - Sympathy was offered to officers with what was felt to be a difficult task.
 - A question was raised on the political will for a dowry or other contingent form of fund to help the town council become what it would want to become.
 - Discussions had taken place on those features that transfer could be purchased as part of a service but we didn't have a detailed breakdown of those costs.
 - Concerns were raised around the Council Tax rising too fast and the sequencing of such.
 - Councillors expressed support for a two- stage approach.
 - The Chair stated that a view seemed to be forming that Parks and Open Spaces was the focus.
-
- The Working Group deputised Cllr Lisgo and Cllr Rigby to sit down with the s151 to do further work on a draft budget that would articulate the groups aspiration for a competent authority.
 - It was agreed to pencil in a further Working Group meeting on Tuesday 6th September 2022.

The meeting closed at 5.45pm

Community Governance Review Working Group – 06/09/22 @ 9am

Attendees: Cllrs Perry (in the Chair), N Cavill, S Coles, L Lisgo, M Rigby, Cllr J Hunt, Cllr L Whetlor and Cllr A Sully.

Cllr S Wakefield

Officers: A North, P Fitzgerald, J Williams, M Prouse, K Williams, R Williams, C Hall, P McClean, M Bryant.

1. To approve the minutes of the last meeting

The notes from 25/08/22 were approved by the Working Group as a correct record.

2. To receive an update on any action points arising from previous meetings

N/A

3. Continuation of the Assets discussion in relation to providing a budget amount as part of the re-organisation order

The Chair set the scene by outlining some of the work undertaken since the last meeting of the Working Group. The s151 gave a brief overview and presentation. The updated budget figures pulled in from different areas. The final numbers would be different from the notional indicative sum provided for public conveniences and parks which had been included for day 1 transfer. There had been the addition of a Service improvements and town improvements fund, which would enable the town council to do more on Day 1. A small amount of income will be generated with parks being transferred which can be reflected.

Questions and comments within the discussion are summarised below:

- The Chair outlined why Vivary Park was considered more strategic and made more sense to keep that with the unitary for a range of reasons.
- Members thanked Officers for their time into this, and it was felt that things were in a better position than they were when the process had started.
- The inclusion of the various Council tax bands was considered helpful and it was requested this was shown in the final report.
- Clarity was sought on some aspects of the budget e.g. play areas in parks.
- Comment was made that the reserves balance could be increased, which would necessarily include those of current parishes coming in.
- A request was made to include a section on s106 or CIL monies.
- It was confirmed that the statutory responsibilities would still reside with the unitary authority e.g. bins outside of parks.
- Comment was made that this budget would enable the Town Council to undertake activity.

- Concern was raised that the budget needed to include the possible provision of parish lengths man and the duties they undertook as well as Parish Grants being continued.
- Concern was raised that the income relative to the precept was quite small.
- It was confirmed that there was an element of set up costs that the District would have to fund.
- It was suggested the Shadow Council continued that work in looking at potential income generation opportunities.
- The Working Group re-iterated their desire for conversations to continue post approval of any order, particularly in relation to assets such as Fons George Car Park. A wish was expressed that the principle of flexibility on conversations going forward was included in the Working Group report.
- With that caveat, the Working Group were agreed that this budget proposal would go forward with their report.

4. Finalise Warding Proposals

The Working Group had considered the two proposals discussed at the previous meeting and had come to the view that the option that split the current Priorswood Ward into three single member wards was the preferred option.

The caveat to this was that the parity of numbers between the wards aligned with guidance. The Group were content that if the elector numbers did not align with guidance Officers would liaise with the Chair, Vice Chair and Cllr Lisgo as Ward Member in the first instance.

5. Approval of Draft Working Group Report and Recommendations to Council/ Overview of democratic approvals

The Chair and the rest of the Working Group confirmed they had reviewed the draft report written on their behalf by officers and were therefore content with it going forward to Council.

Questions and comments within the discussion are summarised below:

- It was hoped that an early meeting of the Working Group with the Shadow Town Council once created could be convened to share the knowledge.
- Queries were raised by the County Council officers as to whether the report would focus on the Order or cover the wider issues on transfers.
- It was confirmed that the County Council would consider the Order, for which there was no statutory formula. It was hoped there could be drafted with the report an explanatory memorandum of understanding on transfers of property and land.
- It was stated that both Councils would use their best endeavours to implement subject to general political consent.

The meeting closed at 10.40am

Recommendation Sheets of the Working Group – In numerical order matching the Full Council report

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. 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.

3. 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. Comeytrowe Parish Council be dissolved and the entire area of Comeytrowe Parish be included within the boundary of the proposed new Taunton Parish;
- ii. The Killams Green area, currently within Trull Parish Council area, be included within the boundary of the proposed new Taunton Parish;
- iii. The part of the forthcoming development in the south-west corner of Taunton that falls within Trull Parish, including the whole of the development north of Dipford Road, should be included within the boundary of the proposed new Taunton Parish;
- iv. The boundary of Trull Parish to the north-west of Cotlake Hill be altered to follow the green wedge around the Sherford urban area, with the small area to the south of that boundary that is currently within the unparished area of Taunton becoming part of Trull Parish.
- v. The urban area within the Maidenbrook Ward of Cheddon Fitzpaine Parish, including sites earmarked for housing development in the near future, be included within the boundary of the proposed new Taunton Parish.
- vi. The urban parts of Staplegrove Parish, including the entirety of the forthcoming development in the north-west corner of Taunton, be included within the boundary of the proposed new Taunton Parish;
- vii. The slim part of Staplegrove Parish jutting to the west of Silk Mills Lane be included within the boundary of Norton Fitzwarren Parish;

- viii. The remaining area of the existing Staplegrove Parish be included within the boundary of Kingston St. Mary Parish;
- ix. Staplegrove Parish Council be dissolved.
- x. A small southern portion of the Kingston St Mary Parish area, representing that part of the proposed Staplegrove East development that falls within the parish, be included within the boundary of the proposed new Taunton Parish.
- xi. With the exception of 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 £x as set out at section 11 of this report.

I. That temporary parish/town councillors as listed at section 11.12 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.

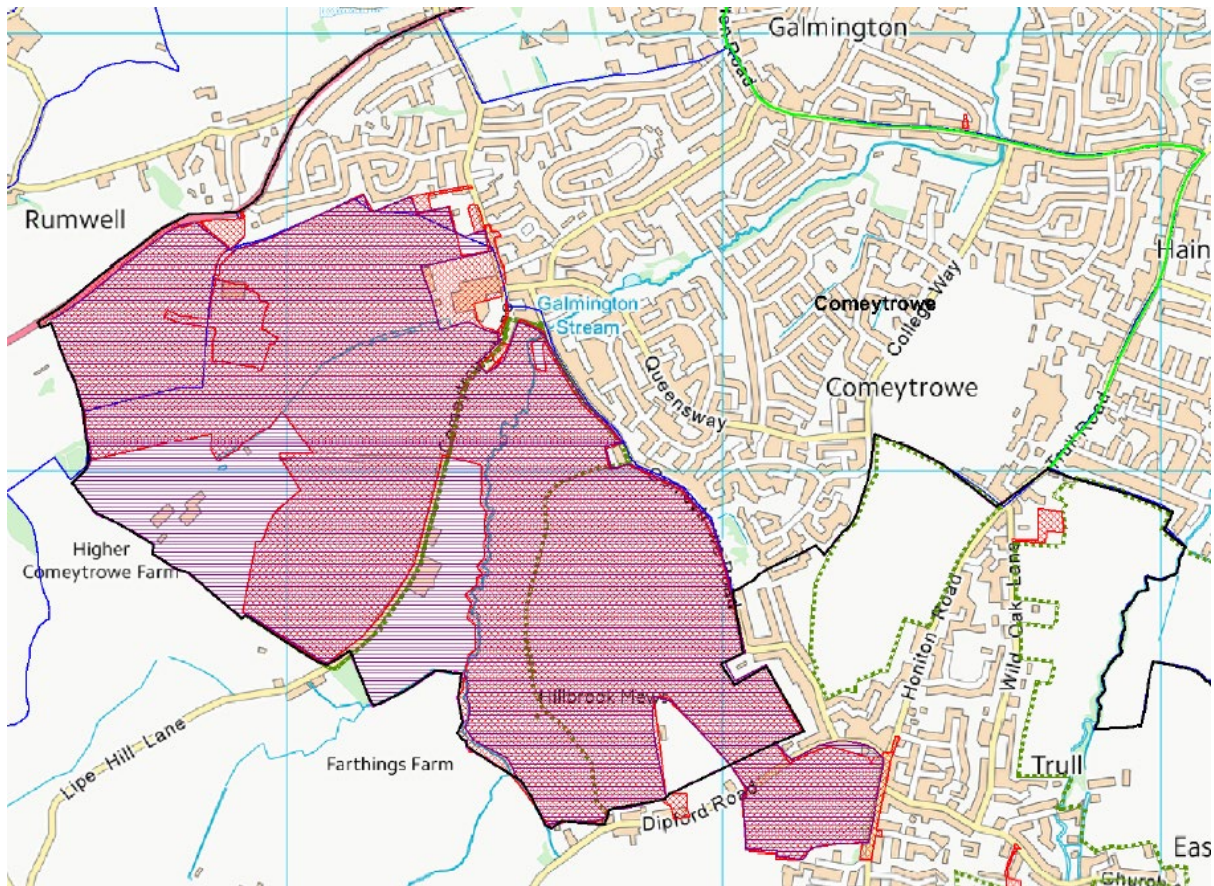
Recommendation #1 on boundary for Taunton Town Council area

Comeytrove Parish Council be abolished and the entire area of Comeytrove Parish be included within the boundary of the proposed new Taunton Parish.

Charter Trustee Ward area/Parish affected:

Comeytrove Parish Council

Specific diagram of the previous/proposed boundary:



Reasons for the decision in accordance with the Statutory Guidance

- The sense of place of those within Comeytrowe as identified in the feedback and parish council response displays no strong feeling for local distinctiveness or local identity separate to that from Taunton.
- Also, the guidance is clear from Para 83 that the area 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.*”
- Comeytrowe was considered a strong example of such an area. The new development of two thousand homes would strengthen this expansion and change the character of the area even further.

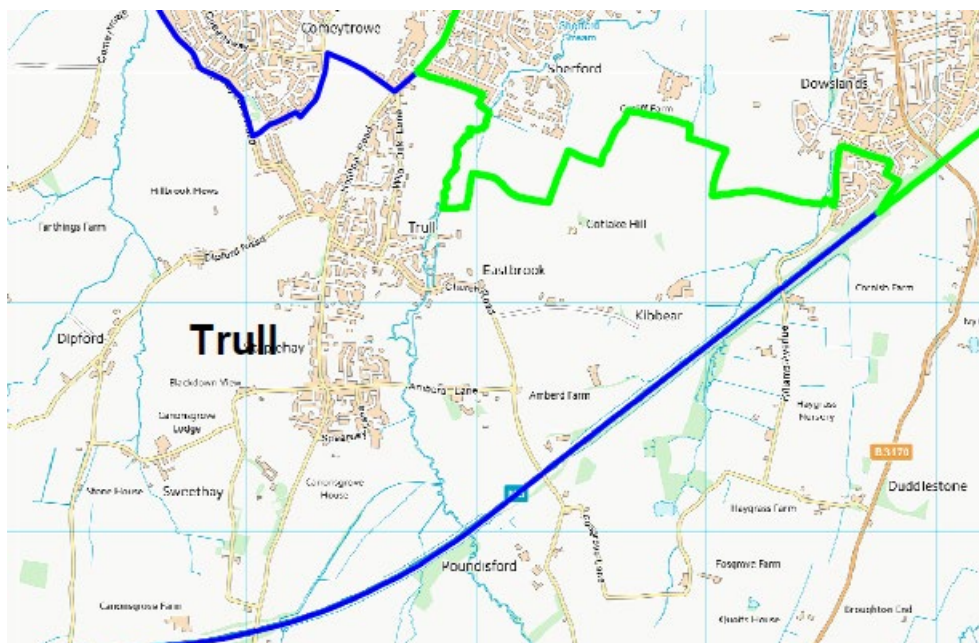
Recommendation #2 on boundary for Taunton Town Council area

The Killams Green area, currently within Trull Parish Council area, be included within the boundary of the proposed new Taunton Parish.

Charter Trustee Ward area/Parish affected:

Trull Parish Council

Specific diagram of the previous/proposed boundary:



Reasons for the decision in accordance with the Statutory Guidance

- The area of Killams Green has no logical geographic connection/sense of place with the village of Trull and in terms of community cohesion would be better grouped with the rest of the Killams area.

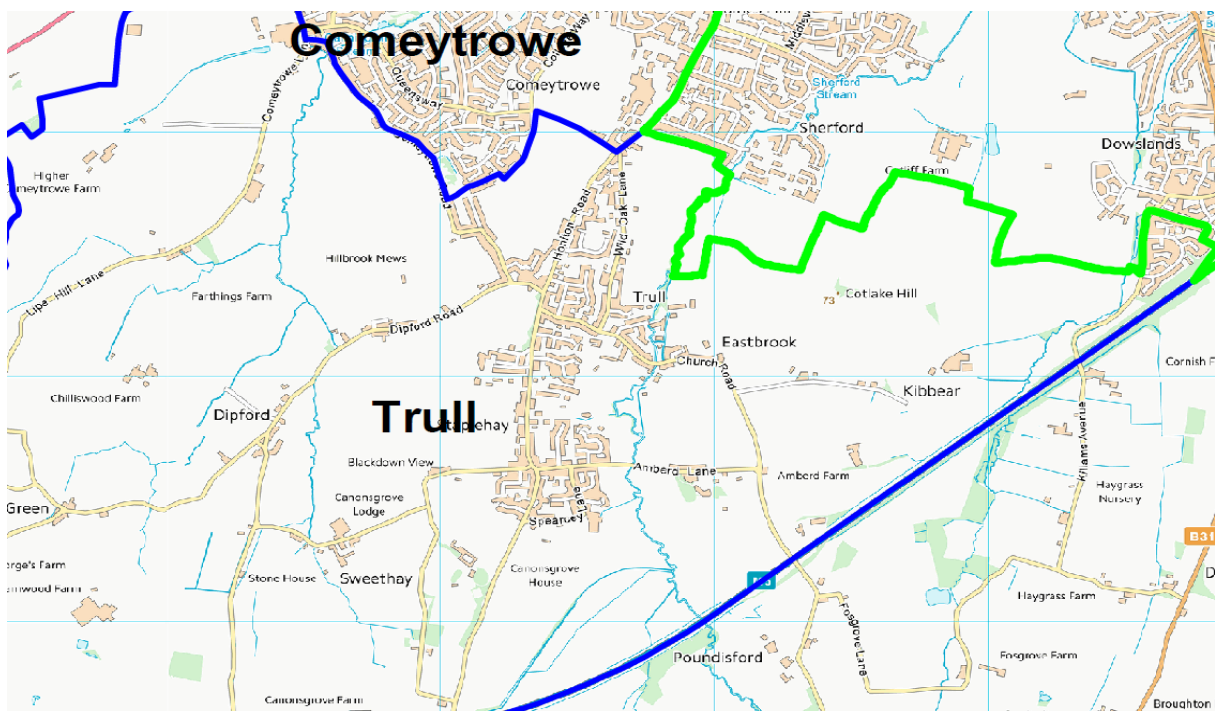
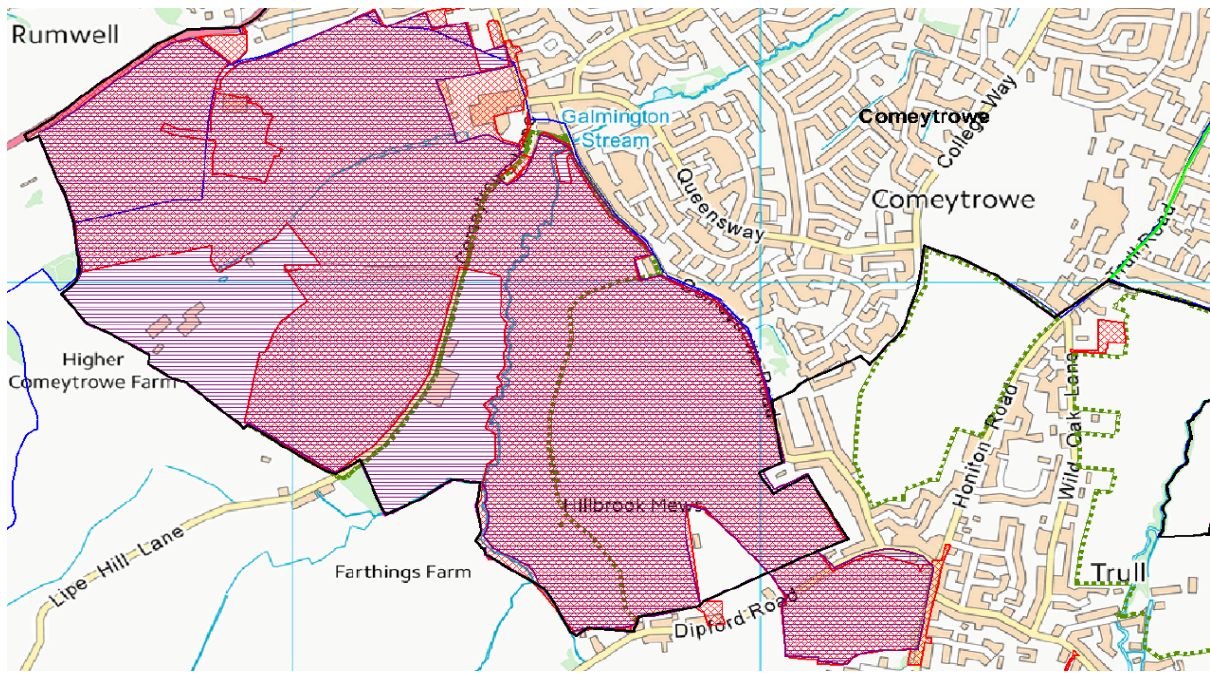
Recommendation #3 on boundary for Taunton Town Council area

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

Charter Trustee Ward area/Parish affected:

Trull Parish Council/Comeytrove Parish Council/Bishop's Hull Parish Council

Specific diagram of the previous/proposed boundary:



Reasons for the decision in accordance with the Statutory Guidance

- Based on the considerations received the recommendation of the working group suggest that the boundary line was to be set on a sense of place, that of inclusion in Taunton and geographically contiguous and atypical of an urban area. The new development was considered to exacerbate the urban extension of the community in the Comeytrowe area and these residents, would like those in Comeytrowe, look to Taunton for carrying out their activities in the pattern of their daily life.
- Considered the detailed knowledge of 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.
- The proposed change would be sufficient to reflect local identities and facilitate effective and convenient local government.

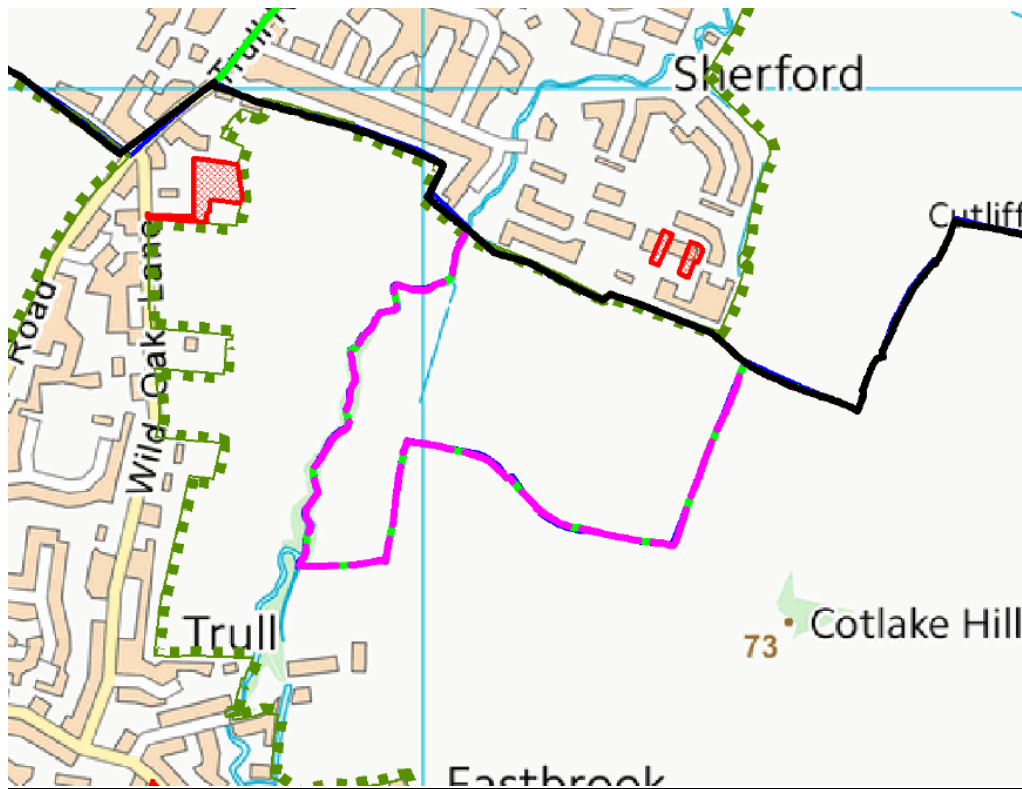
Recommendation #4 on boundary for Taunton Town Council area

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.

Charter Trustee Ward area/Parish affected:

Trull Parish Council/ Vivary Ward

Specific diagram of the previous/proposed boundary:



Reasons for the decision in accordance with the Statutory Guidance

- By following the green wedge around the Sherford Urban area rather than following the Sherford Stream right up in to Trull village, this creates a clearer delineation of the boundary between Taunton and Trull that better reflects the identities and interests of the community in that area in a more logical boundary.

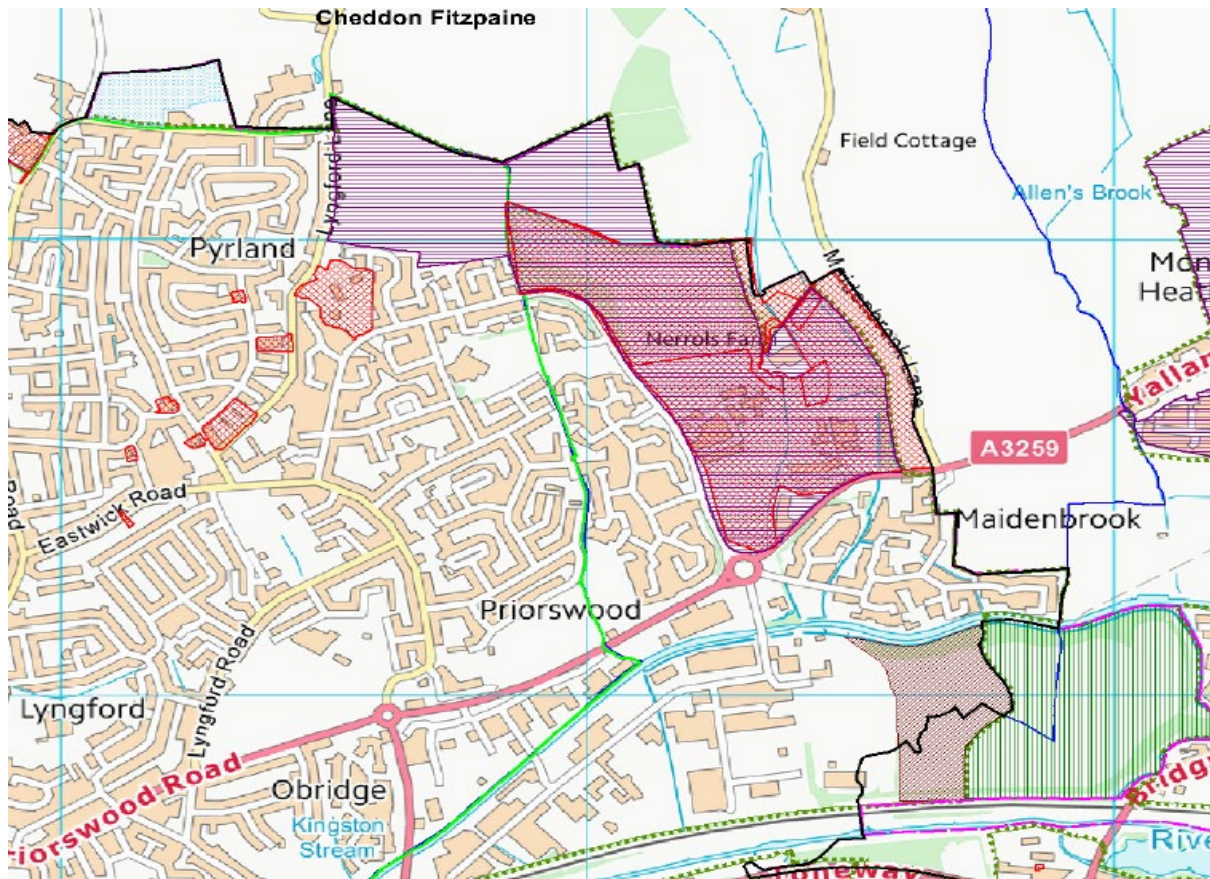
Recommendation #5 on boundary for Taunton Town Council area

The area covered by the Maidenbrook Ward of Cheddon Fitzpaine Parish Council, including several sites earmarked for housing development in the near future, be included within the boundary of the proposed new Taunton Parish.

Charter Trustee Ward area/Parish affected:

Cheddon Fitzpaine Parish Council

Specific diagram of the previous/proposed boundary:



Reasons for the decision in accordance with the Statutory Guidance

- Based on the criteria of sense of place, 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 Town Council area.
- The influence of development in this particular area on the population of Cheddon Fitzpaine Parish Council over the past twenty years would restore that Parish back its previous identity as a village parish. This was another strong example whereby the guidance around Para 83 came into play with the urban growth of Taunton meaning that neighbours lived in different parishes.
- Planning Policy Officers gave guidance on the detailed knowledge of the expected timescale of the completion of developments which would have an effect on Cheddon Fitzpaine Parish.

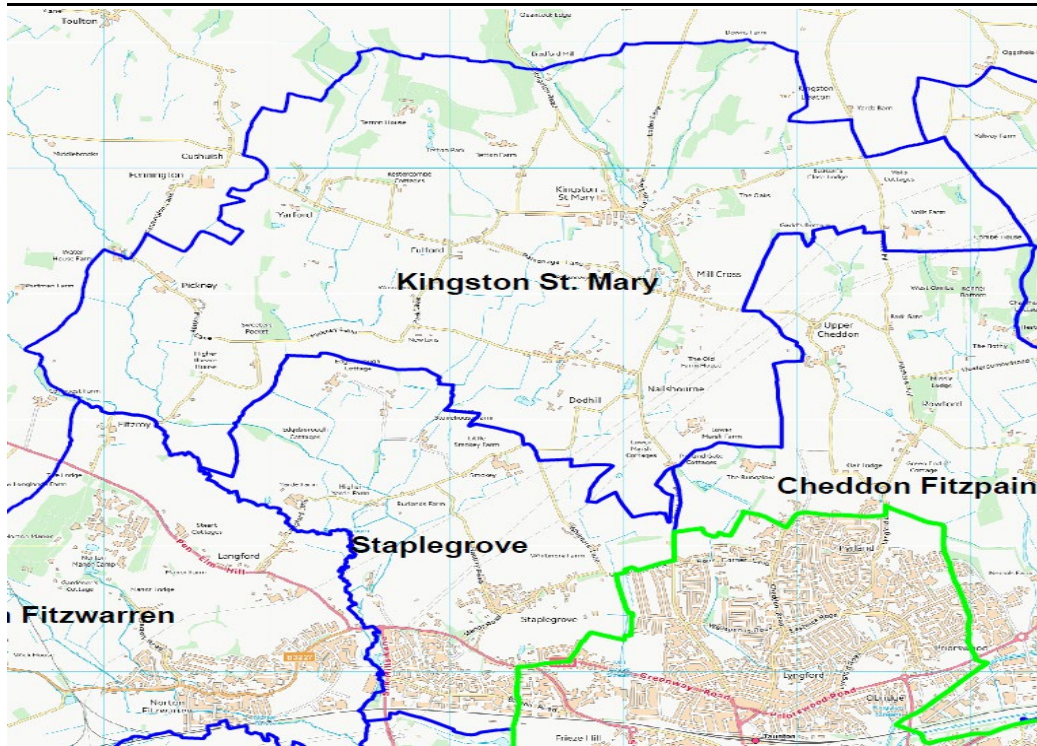
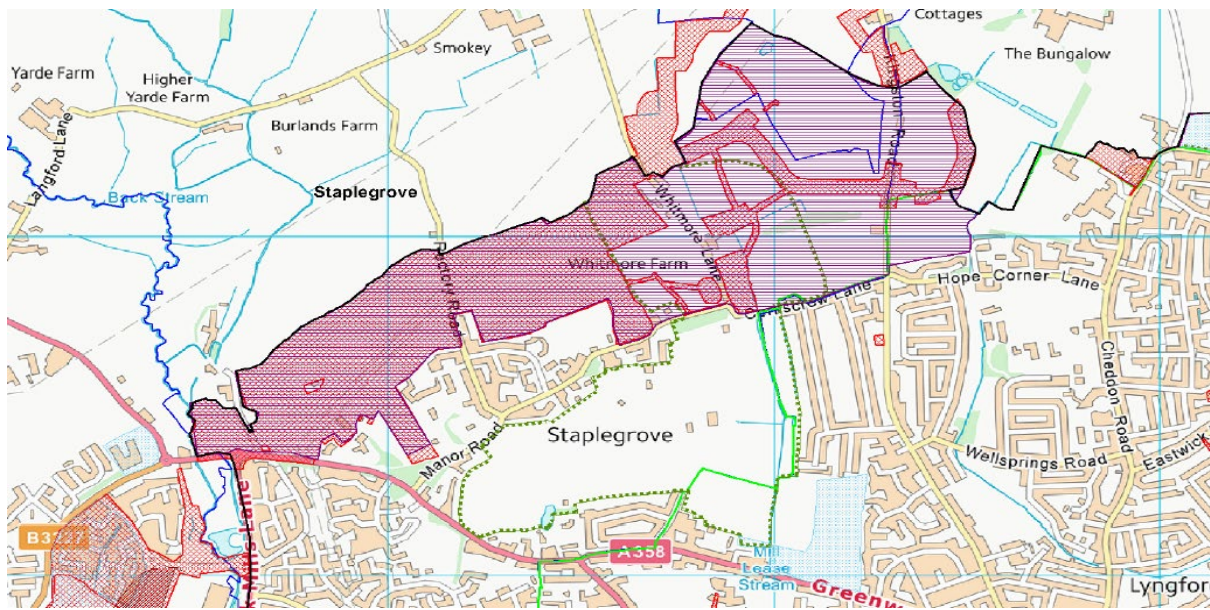
Recommendation #6, 7 and 8 on boundary for Taunton Town Council area

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. The slim part of Staplegrove Parish jutting to the west of Silk Mills Lane be included within the boundary of Norton Fitzwarren Parish. If the proposed changes bring about a remaining Staplegrove Parish area of fewer than 150 electors, that remaining area be merged with Kingston St. Mary Parish.

Charter Trustee Ward area/Parish affected:

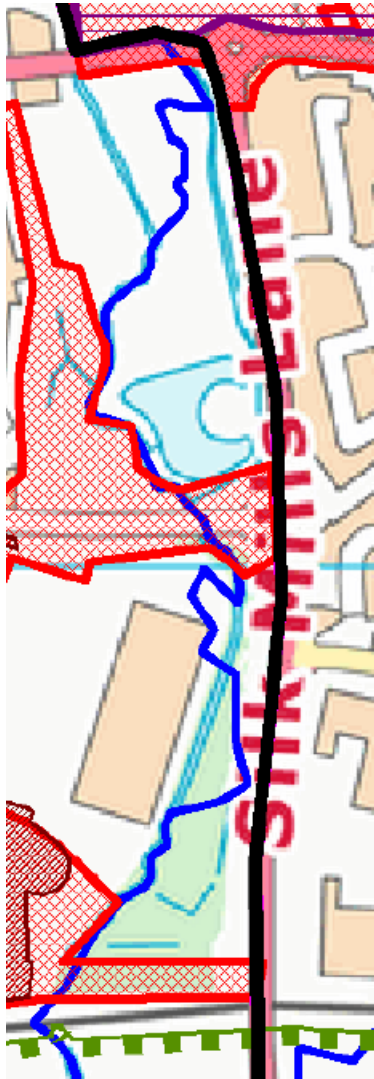
Staplegrove Parish Council/Kingston St. Mary Parish Council/ Norton Fitzwarren

Specific diagram of the previous/proposed boundary:



Reasons for the decision in accordance with the Statutory Guidance

- Through conducting the review and considering all of the evidence it was clear that 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 Para 83 in terms of growth outside the boundary of the UPA very much applied and this would be exacerbated by the new development of the urban growth.
- There was not felt to be a strong local distinctive character from the feedback in the response (which was very low in this area).
- The viability of Staplegrove Parish would be affected by this proposed boundary change and the recommendation to merge it with Kingston St. Mary was based on the more rural character of the remaining areas as opposed to the more urban Norton Fitzwarren settlement.
- As part of this proposal, the slim remainder of Staplegrove Parish jutting the other side of the Silk Mills Road would proposed to be included within the area of Norton Fitzwarren Parish Council (see below map).



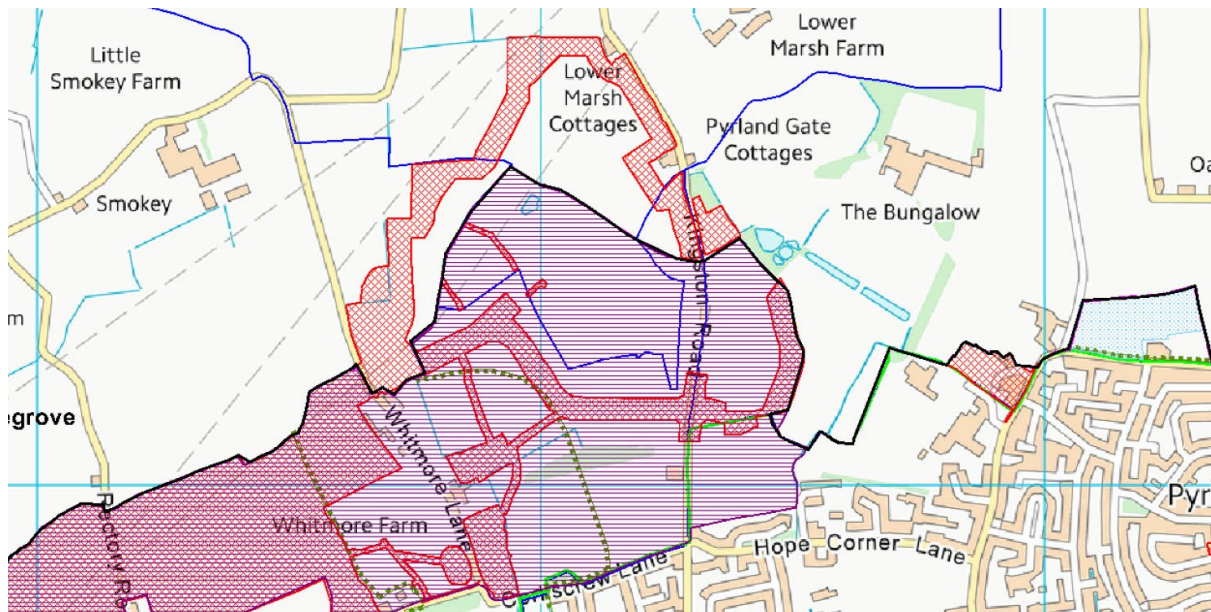
Recommendation #9 on boundary for Taunton Town Council area

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.

Charter Trustee Ward area/Parish affected:

Kingston St. Mary Parish Council

Specific diagram of the previous/proposed boundary:



Reasons for the decision in accordance with the Statutory Guidance

- Based on the sense of place and to reflect the identities and interests of the area, this was recommended to be included within the Town Council boundary.
- The impact of the Staplegrove East development on the cohesion and character of the Kingston St. Mary village was considered as part of the feedback from the Parish Council and was agreed with in coming to a conclusion to include it within the Town Council boundary.

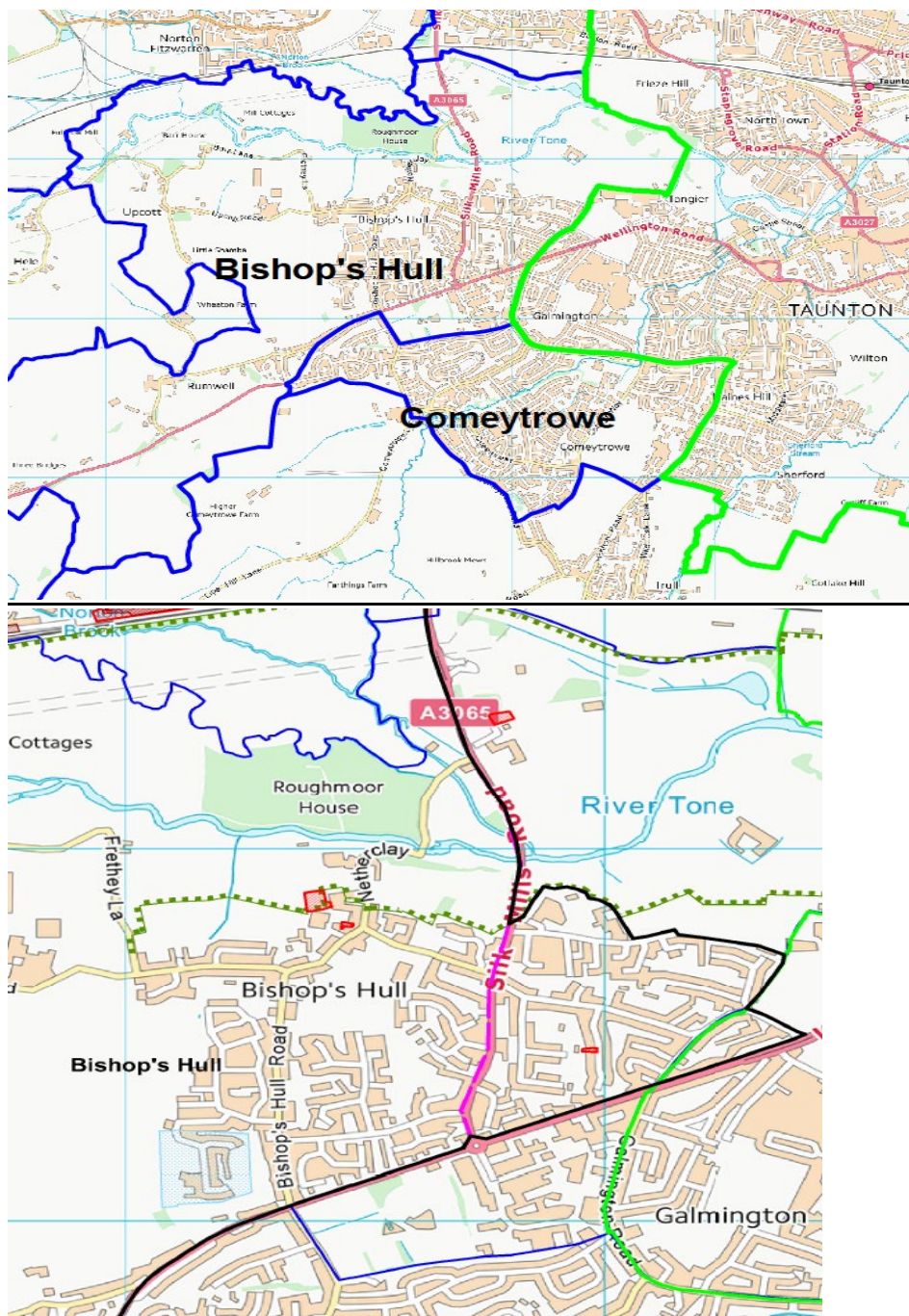
Recommendation #10 on boundary for Taunton Town Council area

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.

Charter Trustee Ward area/Parish affected:

Manor and Tangier Ward/ Bishops Hull Parish Council

Specific diagram of the previous/proposed boundary:



Reasons for the decision in accordance with the Statutory Guidance

- Councillors discussed the inclusion of Bishops Hull within the area under review, with discussion held in particular regard to services and amenities residents used and the Silk Mills Road and its effect on the community. The splitting of the parish was disregarded as an option.
- It was considered that the area south of Wellington Road (Galmington Trading Estate) had no sense of identification with Bishop's Hull, yet at a small triangle in the Unparished Area at the cross-section with Wellington Road and the current Unparished Area boundary, these residents did feel part of Bishop's Hull and not Taunton and the triangle was part of the electoral ward for the County division, so this would also align with other electoral arrangements which had developed.

Recommendation #11 on boundary for Taunton Town Council area

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.

Charter Trustee Ward area/Parish affected:

West Monkton Parish Council

Specific diagram of the previous/proposed boundary:



Reasons for the decision in accordance with the Statutory Guidance

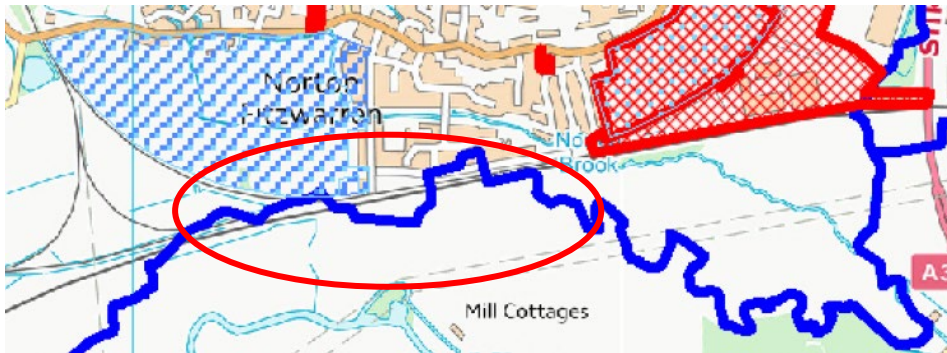
- This area was a key shopping area for the whole town due its key location near the Motorway junction.
- The Working Group considered that the governance of this area was felt to be more effective and convenient in being placed within the Town Council area, especially when considering the proximity of the Halcon Estate just on the left hand side of the Toneway, which was part of the Unparished Area/Town. In terms of sense of place it was felt that the Toneway was part of the Town when you left the Motorway.
- Whilst designated as an out of town shopping area for planning purposes, it was suggested that it was better to include both elements within the Town Council area.

Ancillary inter-Parish Boundary Issues discussed by the Working Group

12. Boundary between Norton Fitzwarren and Bishops Hull Parish Councils

- 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.

Specific diagram of the previous/proposed boundary:



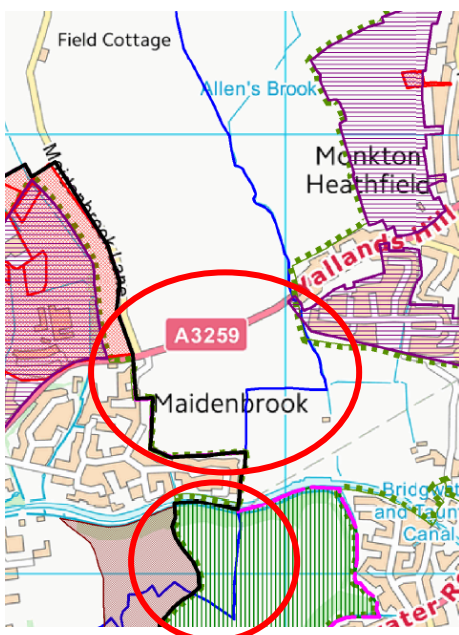
Reasons for the highlighting in accordance with the Statutory Guidance

- It was highlighted that the boundary of Bishops Hull Parish did not follow the logical boundary of the railway line but jumped over each side. It was felt that this should be corrected and made no sense from a community cohesion perspective.

13. Boundary between West Monkton and Cheddon Fitzpaine Parish Councils-

Further consideration be given to whether the current boundary between West Monkton and Cheddon Fitzpaine parishes between Maidenbrook and Yallands Hill south of the Country Park should be amended, for example by following the A3259 westwards to Maidenbrook Lane, in the light of any comments from the respective parish councils.

Specific diagram of the previous/proposed boundary:



Reasons for the highlighting in accordance with the Statutory Guidance

- It was considered that the boundary between West Monkton and Cheddon Fitzpaine Parish may wish to be revised to remove two anomalous zig-zags that had no relation to the geography of the area and for these two areas abutting the proposed Taunton Town Council area be transferred into West Monkton Parish.
- These minor revisions would be more effective and convenient to maintain and protect these areas for the future. It was agreed to request to write to Cheddon Fitzpaine Parish Council to include them in these discussions.

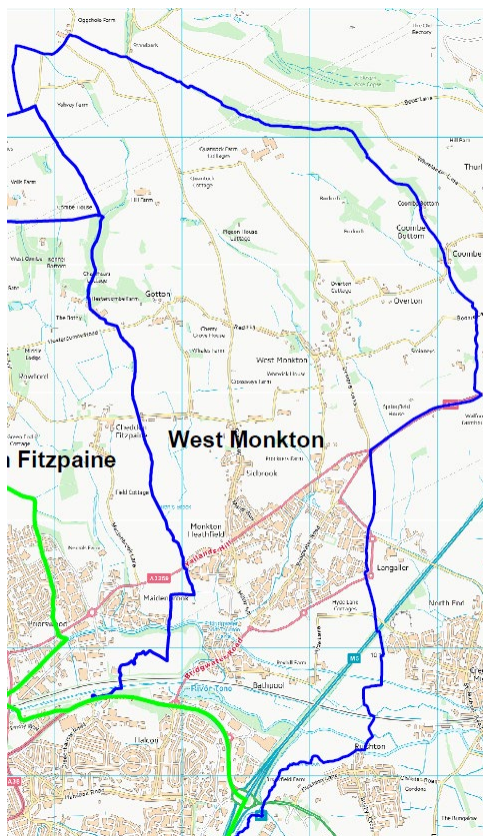
Recommendation C on boundary for Taunton Town Council area

That with the exception of the area described at Recommendation 11 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.

Charter Trustee Ward area/Parish affected:

West Monkton Parish Council

Specific diagram of the previous/proposed boundary:



Reasons for the decision in accordance with the Statutory Guidance

- Based on the feedback from the Parish Councils and local residents, it was clear 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.

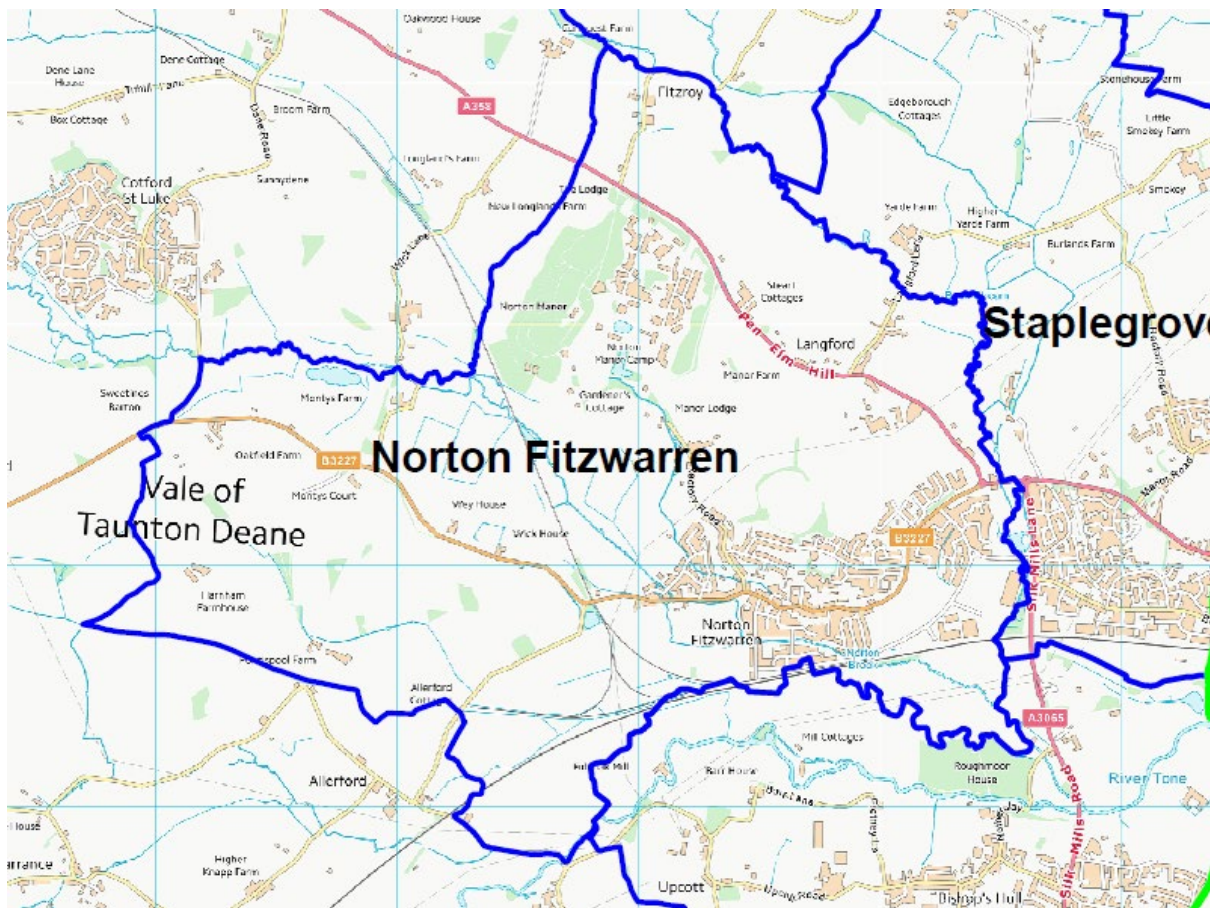
Recommendation D on boundary for Taunton Town Council area:

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.

Charter Trustee Ward area/Parish affected:

Norton Fitzwarren Parish Council

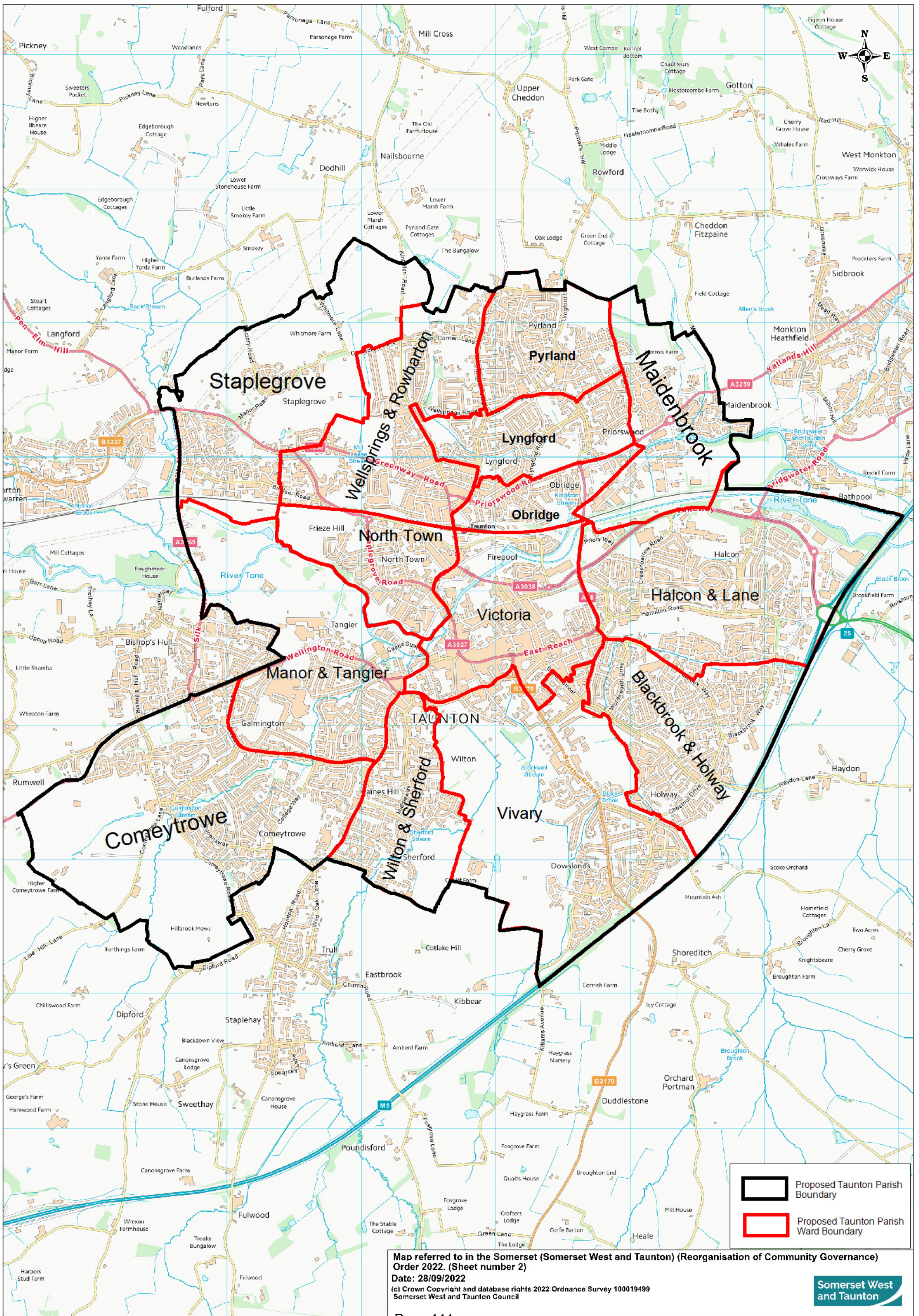
Specific diagram of the previous/proposed boundary:



Reasons for the decision in accordance with of the Statutory Guidance:

- Based on the feedback from the Parish Councils and local residents, it was clear 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.

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Map referred to in the Somerset (Somerset West and Taunton) (Reorganisation of Community Governance) Order 2022. (Sheet number 2)
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 Somerset West and Taunton Council



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Taunton Parish Budget and Council Tax Implications 2023/24

1 2023/24 Budget Summary

- 1.1 The following table provides a summary of the proposed Taunton parish/town council budget for 2023/24.
- 1.2 The Budget for the first year of the new Council is required to be set by Somerset Council in October, as part of the Order, as the prospective Billing Authority for the area in which the new parish exists.
- 1.3 The Budget draws together cost estimates for services that are to be transferred which are currently provided by the district council (SWTC) and the affected neighbouring parish councils, special expenses for the current unparished area of Taunton, the Taunton Charter Trustees, and core running costs of a brand new local council.
- 1.4 The proposed budget also includes additional funding in a Service Growth and Improvements budget to provide the new council with spending power for betterment of local services and the town environment reflecting the determination of the CGR Working Group that the new Council will make an impact with improvements for Taunton.

Table – 2023/24 Proposed Budget

Description	2023/24 Proposed Budget £000	2022/23 Existing Costs				2023/24 New Costs £000
		Charter Trustees £000	Special Expenses £000	Parish Budgets £000	SWTC Budget £000	
Income						
Allotments	-6				-6	
Asset Management	-11				-10	-1
Parks	-12				-11	
Events	-10				-10	
Total Income	-38	0	0	0	-37	-1
Expenditure						
Town Council staffing and admin	275	41	0	44	0	189
Allotments	8	0	0	0	8	0
Handyman services: amenities and play areas	52	0	0	21	0	31
Parks	563	0	0	0	509	55
Public Conveniences	106	0	0	0	99	7
Community and Events	101	0	0	1	100	0
Grants	75	0	29	1	0	44
Local Democracy	17	17	0	0	0	0
Council offices	34	0	0	0	0	34
Service Growth and Improvement	400	0	0	0	0	400
General Contingency	100	0	0	4	0	96
Total Expenditure	1,732	59	29	71	716	857
Contribution To Reserve	420					420
COUNCIL TAX PRECEPT	2,114	59	29	71	678	1,276

2 Key Budget Items

Charter Trustee and Civic items

- 2.1 The Taunton Charter Trustees precept in 2022/23 is £58,726. This amount is charged to the households in the current Taunton unparished area which has a 2022/23 Tax Base of 15,255.85 Band D Equivalents and a Band D charge of £3.85 per year. This budget provides for the mayor, civic support and administration, civic events, civic regalia and chattels, and democratic costs. These costs have been taken into account when preparing the budget estimates for the new parish/town council, with no separate precept for Charter Trustees due in 2023/24.

Unparished Area Special Expenses

- 2.2 Somerset West and Taunton Council raises council tax in the form of special expenses to provide for costs incurred where there is no parish council in Taunton. The special expenses rate precept in 2022/23 is £29,458. This amount is charged to the households in the current Taunton unparished area which has a 2022/23 Tax Base of 15,255.85 Band D Equivalents and a Band D charge of £1.93 per year.

Allotments

- 2.3 Allotments are required by regulation to be transferred to the new parish/town council. The budget reflects the current costs of maintenance and income received resulting in a small net cost to the council. The allotments currently owned by SWTC included are:
- Whitmore Allotments
 - Galmington Road Allotments
 - Hamilton Road Allotments
 - Rowbarton Allotments
 - Priorswood Allotments
 - Higher Holway Allotments
 - Turners Allotments
 - Stoke Road Allotments
- 2.4 All these allotments are leased with local management arrangements in place. The freehold will transfer to the town parish/town which will then become the lessee.

Parks

- 2.5 The CGR Member Working Group proposes that the following parks and amenities at these locations are transferred to be the responsibility of the new Taunton parish/town council from 1 April 2023.
- Victoria Park (including pavilion and public conveniences)
 - French Weir Park
 - Galmington Park (including pavilion)
 - Greenway Recreation Ground
 - Hamilton Gault Park (including pavilion and public conveniences)
 - Hawthorn Park
 - Lyngford Park
 - Priorswood Park
 - Taunton Green (including pavilion)
 - Goodlands Gardens (including café)
 - Comeytrowe Park
- 2.6 Cost and income estimates have been prepared for amounts included in the SWTC budget in 2022/23 for these services/assets and an estimate of the projected costs for 2023/24. These estimates are set to cover a wide range of service delivery

relevant to each location for example grounds maintenance, play equipment maintenance and inspection, other compliance activity, pitch marking, hired use, tree maintenance, utilities, business rates, and so on.

2.7 Actual costs are not easily disaggregated for example when work is undertaken through a contract for service covering more than the above. The presumption at this stage is that the parish/town council will buy the service from the unitary from the outset. This may be reviewed later for example when current contracts end.

2.8 Included in the transfer of Parks are all services and responsibilities that occur within the boundary of the facility. These differ from site to site but include responsibilities such as:

- Grass Cutting
- Tree inspection and maintenance
- Planting and shrub maintenance
- Play area provision, replacement, inspection, and maintenance
- Sports pitch markings and bookings
- Benches and street furniture
- Litter and dog bin provision, replacement and emptying
- Litter picking, fly tip waste removal, glass, needles etc.
- All buildings and structures
- Compliance responsibilities, legionella, gas safe, electrical
- Utilities costs
- Public liability insurance
- Stream / watercourse maintenance
- Third party leases
- Trustee responsibilities

Public Conveniences

2.9 The budget reflects the operating costs (cleaning, locking/unlocking, consumables) of the following public conveniences in Taunton:

- Castle Green (town centre)
- Cannon Street (in car park)
- Victoria Street (in the park pavilion)
- Vivary Park (in the park café building)
- Hamilton Gault (in the park pavilion)
- French Weir (in the COACH building)
- Priorswood Place (in shops buildings)

2.10 The budget reflects the running costs of the service. It is anticipated the assets currently in SWTC ownership will transfer on either a freehold or leasehold basis as appropriate to each property one or after Vesting Day.

2.11 Actual costs are not easily disaggregated for example when work is undertaken through a contract for service covering more than the above. The presumption at this stage is that the parish/town council will buy the service from the unitary from the outset. This may be reviewed later for example when the current SWT contracts end.

2.12 Included in the transfer of Public Toilets are all services and responsibilities that occur within the boundary of the facility, including responsibilities such as:

- All building related costs, maintenance, and capital works
- Compliance responsibilities, legionella, gas safe, electrical
- Utilities costs

- Public liability insurance
- Waste removal, needles etc.
- All cleaning costs and consumables

Events, Grants and Other Costs

- 2.13 The district council currently holds an events budget which funds activities such as Christmas events, Christmas lights, bunting/banners, Jubilee and similar celebrations etc. Most of the funding is incurred delivering events in Taunton therefore a proportion of the budget is proposed to transfer £100,000 to the Town Council. The staffing budget includes a provision for staff to organise events in the town.

Parishes

- 2.14 The amount of Parish precept that is budgeted to transfer to Taunton from Comeytrove, Staplegrove, Cheddon Fitzpaine & Trull is the pro-rata amount relating to the Band D equivalents transferring into Taunton. The presumption is assets will transfer reflecting boundary changes and the budget assumes existing services and facilities delivered in the transferred locations will continue.
- 2.15 The parish budgets cover the salary cost of the Clerks, annual memberships, election costs, administration and parish related maintenance costs. Generally the maintenance costs cover areas such as footpaths, church yards and play areas, and more specific assets being Penny's Field in Comeytrove and The Grove in Staplegrove.

3 Indicative Council Tax Rate for the New Taunton Parish

- 3.1 The Band D Council Tax rate for the new Taunton parish will not be determined until the 2023/24 Council Tax Base is calculated and approved in December 2022.
- 3.2 An indicative tax base has been modelled in May 2022 based on council tax register data held at the time, reflecting the properties that would be in the new parish boundary assuming the boundary as set out in the stage 2 consultation is adopted. The final tax base will be based on the adopted boundary for the new parish per the Order.
- 3.3 The indicative Tax Base for 2023/24 is 22,500 Band D Equivalents. In this scenario an **indicative amount** for the Band D Council Tax Rate based on the proposed budget and precept of £2.1m would be **approximately £94 per year**. The following table shows how this would be applied across the council tax bands for this **indicative amount**.

Band D Equivalent Factors	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9
Council Tax Band	A (dis)	A	B	C	D	E	F	G	H
Indicative Charge per Band	£53	£63	£73	£84	£94	£115	£135	£157	£188

- 3.4 It is important to emphasise these are **indicative amounts only** and the final Council Tax charge per Band for 2023/24 Council Tax Billing will **almost certainly be different** when calculated in December 2022.

4 Council Tax Comparisons

- 4.1 The Council Tax charges will change for affected households in the current unparished area and the households that become part of Taunton Parish when the boundaries change on 1 April 2023.
- 4.2 Neighbouring parish councils as reflected in updated boundaries will still be responsible for setting their own precept for 2023/24.
- 4.3 As a guide the following table provides a summary of 2022/23 Precepts for Taunton and the neighbouring parishes whose boundaries are set to change through the proposed Order. This provides a comparison with the indicative tax rate for the new Taunton parish based on the proposed budget and indicative tax base for 2023/24.

	2022/23 Tax Base Band D Equivalent	2022/23 Precept £	2022/23 Band D Rate £	Indicative 2023/24 Tax Base £	Indicative 2023/24 Precept £	Indicative 2023/24 Band D
Taunton unparished (special expenses + charter trustees)	15,255.85	88,184	5.78	Households in these areas that are within the new Taunton parish boundary from April 2023 will be charged the Band D rate for the new parish/town council.		
Cheddon Fitzpaine	909.06	37,247	40.97			
Comeytrove	1,990.73	24,000	12.06			
Staplegrove	788.77	12,910	16.37			
Trull	1,087.58	31,000	28.50			
Taunton Parish <i>Indicative</i>			N/A	22,500	2,114,040	94

5 Council Tax Adjustment – Alternative Notional Amount (ANA)

- 5.1 As part of the wider Local Government Review (LGR) in Somerset an exercise will be undertaken to harmonise the Band D tax rates, which restates the 2022/23 tax rates to set a new baseline comparative figure for 2022/23 as if the unitary council was already in place. This is called an Alternative Notional Amount (ANA) and is subject to Secretary of State approval. The ANA combines the tax precepts raised by the County Council and the four district councils in 2022/23 to create an average Band D rate for the whole tax base for Somerset. Future tax increases are measured against this adjusted baseline.
- 5.2 In addition to the harmonisation adjustment for LGR the ANA will also need to reflect an adjustment for the costs and budget transferred in respect of district services currently included in the SWTC precept. This has the effect of reducing the district and thus unitary council's council tax precept baseline by the same amount of budget that is removed for transferred costs. This will include the removal of special expenses (2022/23 = £29,458) and transferred district service costs (2022/23 = £678,440).
- 5.3 The total reduction included in the ANA for district/unitary council tax precept is therefore £707,898, which divided by the Somerset 2022/23 Tax Base of 200,747.16 band D equivalents = £3.52.
- 5.4 The proposed ANA needs to be submitted to DLUHC by 7 October 2022 by the SCC S151 Officer and is expected to be confirmed with the Finance Settlement in December 2022.

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Ms Honor Clarke
Head of Legal Services
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29 September 2022

By email only – honor.clarke@somerset.gov.uk

Dear Ms Clarke

Community Governance Review of Taunton and Surrounding Parishes

1. I write on behalf of Cheddon Fitzpaine Parish Council (“**CFPC**”) in relation to Somerset West and Taunton’s DC’s (the “**SWT**”) Community Governance Review for Taunton (the “**Review**”).
2. CFPC is writing to you directly as SWT have stated that the decision whether to proceed with any re-Organisation will be a matter for Somerset CC – see attached letter. This letter will be copied to SWT in the interests of full disclosure and in the hope of avoiding this matter needing to go further.
3. Please note this is not a formal letter before claim in accordance with the Pre-Action Protocol for Judicial Review. CFPC very much hopes that, if the contents of this letter are properly taken into account by Somerset CC, any need for judicial review can be avoided.

4. It is, in short, CFPC’s view that the approach taken so far by SWT is fundamentally and legally flawed. Should Somerset CC take any decisions on the basis of that process those, too, will be legally flawed and challengeable in the High Court.

Factual background

5. As you may well know, SWT is in the process of undertaking a review of its local governance arrangements, pursuant to the Local Government and Public Involvement in Health Act 2007 (the “**2007 Act**”).¹
6. The reason for this review is said to be a resolution made by Taunton Deane Borough Council on 19 March 2018 to review the unparished area of Taunton, with a view to creating a new Town or Parish Council from 01 April 2023. This was “re-affirmed” by SWT on 30 March 2021.²
7. A Community Governance Review Working Group was established (the “**Working Group**”).
8. However, on 19 October 2021 SWT then resolved that the area to be covered should not just be the unparished area of Taunton, but include eight surrounding parishes.³ The geographic area covered by the review now includes the unparished area of Taunton, and a number of surrounding parish areas including that of Cheddon Fitzpaine.⁴
9. SWT’s *Terms of Reference* are set out online.⁵
10. The first stage of consultation commenced on 17 November 2021 and closed on 12 January 2022.

¹ Full details can be found at <https://www.somersetwestandtaunton.gov.uk/consultations/community-governance-review-for-taunton/>

² See para 1.6 of the Terms of Reference (November 2021).

³ Para 1.7 of the Terms of Reference (November 2021).

⁴ See para 1.1 of the Terms of Reference (November 2021)

<https://www.somersetwestandtaunton.gov.uk/media/2978/community-governance-review-terms-of-reference.pdf>

⁵ <https://www.somersetwestandtaunton.gov.uk/media/2978/community-governance-review-terms-of-reference.pdf>

11. 201 Consultation responses were received. The Working Group prepared a report on that feedback.⁶ We note, in outline:
- a. That there was a large majority (85%) in favour of a new town or parish council.
 - b. That the majority (59% of respondents) indicated that any new council should be confined to the existing unparished area rather than incorporating parts of surrounding parishes. Only 29% of respondents considered otherwise (the rest either did not answer or were undecided). On a parish-by-parish basis only 4 parishes of 21 (including the unparished area) favoured the new parish taking in urban parts of surrounding parishes. 12 of the 21 by absolute majority did not.
12. Furthermore, a number of the Parish Councils (including CFPC) undertook their own surveys.⁷ CFPC provided a survey with its December 2021 newsletter. A copy of CFPC's own results is annexed to this letter. In response to its question 2 ("do you want to keep your Parish Council and with its local knowledge and representation", 99.1% of the 116 respondents replied 'yes'. In relation to question 3 ("do you think the area in which you live in Cheddon Fitzpaine Parish should be incorporated into any future Taunton Town Council"), 92.2% of the 116 respondents said 'no'. Forty seven written comments were also provided in response to question 4. The overriding view of people living in Cheddon Fitzpaine was for the area of their parish to remain unchanged.
13. Working Group meetings took place on 26.01.22, 01.02.22, and 10.02.22.⁸
14. At the 26.01.22 meeting there are frequent references to the feedback received being "unsurprising". It appears therefore SWT was well-aware of local views.
15. The 01.02.22 meeting indicated that a postcard reminder drop had not been delivered.
16. At the 10.02.22 meeting there is an oblique reference in the minutes to legal advice being sought on CIL payments. At that meeting, there is discussion of the boundary between the new Taunton parish and Cheddon Fitzpaine. The proposal is:

⁶ <https://democracy.somersetwestandtaunton.gov.uk/documents/s19016/Appendix%20D%20-%20Full%20report%20on%20responses%20received%20to%20first%20stage%20consultation.pdf> I note however this reports only 201 responses, whereas the March 2022 Report indicates 229 responses.

⁷ Section 7 of the March 2022 Report

⁸ <https://democracy.somersetwestandtaunton.gov.uk/documents/s19014/Appendix%20B%20-%20Appendix%20B%20-%20Decision%20sheets%20setting%20out%20the%20Working%20Groups%20considerations%20and%20prop%20osa.pdf>

“The area covered by the Maidenbrook Ward of Cheddon Fitzpaine Parish Council, including several sites earmarked for housing development in the near future, be included within the boundary of the proposed new Taunton Parish.”

17. The reasons for decision are said to be:

“Based on the criteria of sense of place, 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 Town Council area.

The influence of development in this particular area on the population of Cheddon Fitzpaine Parish Council over the past twenty years would restore that Parish back its previous identity as a village parish. This was another strong example whereby the guidance around Para 83 came into play with the urban growth of Taunton meaning that neighbours lived in different parishes.

Planning Policy Officers gave guidance on the detailed knowledge of the expected timescale of the completion of developments which would have an effect on Cheddon Fitzpaine Parish.”

18. There is also a suggestion that the boundaries of Cheddon Fitzpaine and West Monkton be re-drawn on the basis that:

“It was considered that the boundary between West Monkton and Cheddon Fitzpaine Parish may wish to be revised to remove two anomalous zig-zags that had no relation to the geography of the area and for these two areas abutting the proposed Taunton Town Council area be transferred into West Monkton Parish.

These minor revisions would be more effective and convenient to maintain and protect these areas for the future. It was agreed to request to write to Cheddon Fitzpaine Parish Council to include them in these discussions.”

19. A report was prepared for a special meeting of Somerset West and Taunton BC on 03 March 2022 (the “**March 2022 Report**”).⁹ The March 2022 Report identified:

- a. That the surveys undertaken by parish councils should be taken into account: para 7.6;
- b. That there was overwhelming support (83%) for the creation of a new Taunton parish: para. 9.2;
- c. That a majority (over 55%) of respondents considered that the new parish should be confined to the currently unparished area: para 9.9. But, the March 2022 Report continued:

“9.9... However, the Working Group noted that there were varying views on this matter on the part of respondents from different geographical areas, and 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.

⁹ <https://democracy.somersetwestandtaunton.gov.uk/documents/g3097/Public%20reports%20pack%2003rd-Mar-2022%2018.15%20SWT%20Full%20Council.pdf?T=10>

- 9.10 The Working Group noted that there were a number of areas of existing parishes where development had taken place or was imminent adjacent to the unparished area, in some cases forming a continuous urban area with the town of Taunton, which was therefore in reality no longer coterminous with the historic boundary of the unparished area. As a result it was possible that some of the existing parish boundaries no longer met the criteria in the guidance, or that the development described had had an impact on how residents in those areas see themselves, i.e. whether they identified as residents of Taunton or another parish, where they used amenities during their day-to-day lives and/or whether they would be likely to utilise the services provided by a parish/town council.
- 9.11 The Working Group therefore agreed to look in turn at the boundary of the currently unparished area with each adjoining parish in the context of the statutory criteria and consider in each case whether any changes to the parish boundary should be recommended and if so, any consequential changes to adjoining parishes that might be required.”
- d. With regard to Cheddon Fitzpaine Parish, the March 2022 Report stated:
- “9.32 17 individual responses were received from respondents identifying themselves as residents of Cheddon Fitzpaine Parish. In addition Cheddon Fitzpaine Parish Council responded, stating that it supports the view of the Somerset Association of Local Councils that any new Taunton Town Council should cover only the currently unparished area, and that the Parish Council wishes to remain separate from the Town Council and continue to represent the views of its rural residents.
- 9.33 The Parish Council also stated that it had carried out a survey of its residents with the December 2021 issue of the parish newsletter to which 116 responses were received and of these: over 99% wanted to keep the Parish Council with its local knowledge and representation; over 88% thought that any new Taunton Town Council should represent only the currently unparished centre of Taunton; only 7.8% thought that the area in which they live should be incorporated into a future Taunton Town Council; and only a small minority stated that they belong to and identify with Taunton town as opposed to one of the villages or neighbourhoods within Cheddon Fitzpaine Parish.
- 9.34 The Working Group considered that the rural parts of Cheddon Fitzpaine Parish had a distinctive identity and sense of place separate from Taunton.
- 9.35 Based on the criteria of sense of place however, members considered that 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 another strong example whereby paragraph 83 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.
- 9.36 The Working Group received advice from Planning Policy Officers on the detail and expected timescale of the completion of developments which would have an effect on Cheddon Fitzpaine Parish.
- 9.37 Based on these considerations, the Working Group recommends the area covered by the Maidenbrook Ward of Cheddon Fitzpaine Parish Council, including several sites earmarked for

housing development in the near future, be included within the boundary of the proposed new Taunton Parish.”

- e. With regard to the Cheddon Fitzpaine / West Monckton parish boundary the March 2022 Report stated at para. 9.58:

“It was noted that the current boundary between West Monckton and Cheddon Fitzpaine parishes between Maidenbrook and Yallands Hill currently followed what was felt to be an anomalous zigzag south of the Country Park. **The Working Group recommends that further consideration be given to amending this boundary, for example by following the A3259 westwards to Maidenbrook Lane, in the light of any comments from the respective parish councils.**”

20. The report recommended inter alia:

“A. That a single parish be created to serve the currently unparished areas of Taunton and that in addition:...

(v) The urban area covered within the Maidenbrook Ward of Cheddon Fitzpaine Parish Council, including several sites earmarked for housing development in the near future, be included within the boundary of the proposed new Taunton Parish....

[As amended by an addendum]

(xiii) Further consideration be given to whether the current boundary between West Monckton and Cheddon Fitzpaine parishes between Maidenbrook and Yallands Hill south of the Country Park should be amended, for example by following the A3259 westwards to Maidenbrook Lane, in the light of any comments from the respective parish councils.”

21. In broad terms, the March 2022 Report identified those areas of Cheddon Fitzpaine Parish which have been allocated for development by Policy SS2 in the Taunton Deane Core Strategy 2011-2028 (the “**Local Plan**”) as those which should be part of the new Taunton Parish (the “**SS2 Sites**” for ease of reference).

22. The suggestion was, unsurprisingly, controversial. At a special meeting on 03 March 2022¹⁰ SWT received concerns from various councillors and representatives of the Parish Councils. These included:

- a. A representation by Cllr Williams of Somerset CC that the first consultation had been unsatisfactory, with too little information included and not distributed to the relevant parishes;
- b. A representation from Jo Pearson, former Parish Clerk to CFPC, detailing the steps taken by CFPC to successfully integrate new estates into the Cheddon Fitzpaine Parish. This also raised concerns that part

¹⁰ <https://democracy.somersetwestandtaunton.gov.uk/ieListDocuments.aspx?CId=325&MID=3097#AI4592>

of the motivation behind the change to the Cheddon Fitzpaine Parish boundaries was to obtain CIL money from new developments.

- c. A representation from Cllr Fraschini of Somerset CC, noting concerns that if these changes went ahead the precept would not cover the local services of the parishes which are reduced in size, including that of Cheddon Fitzpaine.
23. Nevertheless, SWT voted to approve the Working Group's preferred options, and would subject these to a second round of consultation.¹¹ This closed on 14 June 2022.

Legal principles

Public law decision-making, generally

24. The **Wednesbury** test will be known to all parties. A claimant does not have to show that the respondent's decision is "*so bizarre that its author must be regarded as temporarily unhinged*" (**R v Parliamentary Commissioner for Admin ex p Balchin** [1998] 1 PLR 1, per Sedley J at [27]). Instead, an irrational decision will be one which:
- a. Contains an error of reasoning which robs the decision of logic: **Balchin** *ibid*;
 - b. Cannot be safely justified on the evidence before it: **R (Wells) v Parole Board** [2019] EWHC 2710 (admin) [32]; or
 - c. Takes immaterial considerations into account: **R (Boskovic) v Chief Constable of Staffordshire** [2019] EWCA Civ 676, [59].
25. A decision may also be impugned if it was taken with an improper motive in mind. So, for example, in **Porter v Magill** [2002] AC 357 (a case concerning the sale of council houses by a Conservative Council in an aim to influence electoral results) Lord Bingham said at [19]:

"(1) Powers conferred on a local authority may be exercised for the public purpose for which the powers were conferred and not otherwise.

[...]

¹¹ <https://democracy.somersetwestandtaunton.gov.uk/mgAi.aspx?ID=4597>

(5) Powers conferred on a local authority may not lawfully be exercised to promote the electoral advantage of a political party. Support for this principle may be found in *R v Board of Education* [1910] 2 KB 165, 181 where Farwell LJ said:

"If this means that the Board were hampered by political considerations, I can only say that such considerations are pre-eminently extraneous, and that no political consequence can justify the Board in allowing their judgment and discretion to be influenced thereby."

This passage was accepted by Lord Upjohn in *Padfield v Minister of Agriculture, Fisheries and Food* [1968] AC 997, 1058, 1061. In *R v Port Talbot Borough Council, Ex p Jones* [1988] 2 All ER 207, 214, where council accommodation had been allocated to an applicant in order that she should be the better able to fight an election, Nolan J regarded that decision as based on irrelevant considerations."

26. As a corollary of the fifth principle outlined above, local authorities are under an obligation to promote the legislative purpose behind provisions: *Padfield v Minister of Agriculture* [1968] AC 997. The statutory purpose must be the "true and dominant purpose": *R v Crown Court at Southwark ex p Bowles* [1998] AC 641, 651FG. It will be sufficient to vitiate a decision if the improper purpose "materially influenced" the relevant decision: *R v Inner London Education Authority ex p Westminster City Council* [1986] 1 WLR 28, 49H.

27. A legally valid consultation requires that the product of that consultation is "conscientiously taken into account": *R (Moseley) v Haringey LBC* [2014] UKSC 56 [25].

28. In any judicial review exercise, the duty of candour will apply. This will require the parties, as public bodies, to ensure that all relevant information is before the Court: *Administrative Court: Judicial Review Guide* (2022) section 15.1ff. This will require the disclosure of "any relevant facts and the reasoning underlying the measure" (para 15.3.4). The duty of candour applies at all stages of litigation.

Part 4 of the 2007 Act

29. Part 4 of the 2007 Act makes provision for Parishes, of which Chapter 3 makes provision for re-organisation.

30. S. 93 provides for the duties on principal councils when undertaken a review:

- "(1) The principal council must comply with the duties in this section when undertaking a community governance review.
- (2) But, subject to those duties, it is for the principal council to decide how to undertake the review.
- (3) The principal council must consult the following—
 - (a) the local government electors for the area under review;

- (b) any other person or body (including a local authority) which appears to the principal council to have an interest in the review.
- (4) The principal council must have regard to the need to secure that community governance within the area under review–
 - (a) reflects the identities and interests of the community in that area, and
 - (b) is effective and convenient.
- (5) In deciding what recommendations to make, the principal council must take into account any other arrangements (apart from those relating to parishes and their institutions)–
 - (a) that have already been made, or
 - (b) that could be made,
 for the purposes of community representation or community engagement in respect of the area under review.
- (6) The principal council must take into account any representations received in connection with the review.
- (7) As soon as practicable after making any recommendations, the principal council must–
 - (a) publish the recommendations; and
 - (b) take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.
- (8) The principal council must conclude the review within the period of 12 months starting with the day on which the council receives the community governance petition or community governance application.”

31. Failure to comply with the above steps will lead to a decision being quashed. In ***Campbell Park PC v Milton Keynes Council*** [2012] EWHC 1204, Mitting J quashed a decision to transfer three areas from one parish to another, as Milton Keynes Council had failed to comply with s. 93(7) and publish its recommendations.

32. S. 100(1) 2007 Act provides that the Secretary of State may issue guidance about undertaking community governance reviews. If such guidance is issued it must be taken into account: s. 100(2) 2007 Act.

33. The Secretary of State has issued such guidance (the “**Guidance**”).¹² This is lengthy and needs to be read in full. Material paragraphs are referenced below.

“33. Principal councils will need to consult local people and take account of any representations received in connection with the review. When undertaking the review they must have regard to the need to secure that community governance reflects the identities and interests of the community in the area under review, and the need to secure that community governance in that area is effective and convenient. Further information on making recommendations is in Chapter 3....

Section 3: making and implementing recommendations made in community governance reviews....

50. Parish councils continue to have two main roles: community representation and local administration. For both purposes it is desirable that a parish should reflect a distinctive and

¹²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8312/1527635.pdf

recognisable community of place, with its own sense of identity. The views of local communities and inhabitants are of central importance.

51. The identification of a community is not a precise or rigid matter. The pattern of daily life in each of the existing communities, the local centres for education and child care, shopping, community activities, worship, leisure pursuits, transport facilities and means of communication generally will have an influence. However, the focus of people's day-to-day activities may not be reflected in their feeling of community identity. For instance, historic loyalty may be to a town but the local community of interest and social focus may lie within a part of the town with its own separate identity...

Criteria for undertaking a community governance review

52. 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
53. When considering the criteria identified in the 2007 Act, principal councils should take into account a number of influential factors, including:
- the impact of community governance arrangements on community cohesion and
 - the size, population and boundaries of a local community or parish
54. In considering this guidance, the impact on community cohesion is linked specifically to the identities and interests of local communities. Size, population and boundaries are linked to both but perhaps more specifically to community governance being effective and convenient.

The identities and interests of local communities

55. Parish councils have an important role to play in the development of their local communities. Local communities range in size, as well as in a variety of other ways. Communities and Local Government is working to help people and local agencies create cohesive, attractive and economically vibrant local communities. The aim for communities across the country is for them to be capable of fulfilling their own potential and overcoming their own difficulties, including community conflict, extremism, deprivation and disadvantage. Communities need to be empowered to respond to challenging economic, social, and cultural trends, and to demographic change...
58. It is clear that how people perceive where they live - their neighbourhoods - is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents. Some of the factors which help define neighbourhoods are: the geography of an area, the make-up of the local community, sense of identity, and whether people live in a rural, suburban, or urban area.
59. Parishes in many cases may be able to meet the concept of neighbourhoods in an area. Parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity. Like neighbourhoods, the feeling of local community and the wishes of local inhabitants are the primary considerations.
61. Building a sense of local identity may make an important contribution to cohesion where a local area is facing challenges arising from rapid demographic change. In considering the criteria, community governance reviews need to home in on communities as offering a sense of place and of local identity for all residents...

Factors for consideration

66. When reviewing community governance arrangements, principal councils may wish to take into account a number of factors, to help inform their judgement against the statutory criteria.

The impact on community cohesion of community governance arrangements

67. Setting up parishes and parish councils clearly offers the opportunity to strengthen community engagement and participation, and generate a positive impact on community cohesion. In conducting community governance reviews (whether initiated by itself or triggered by a valid petition), the principal council should consider the impact on community cohesion when deciding whether or not to set up a parish council.

...

69. In its response to the recommendations of the Commission on Integration and Cohesion the Government has defined community cohesion as what must happen in all communities to enable different groups of people to get on well together. A key contributor to community cohesion is integration which is what must happen to enable new residents and existing residents to adjust to one another.

70. The Government's vision of an integrated and cohesive community is based on three foundations:

- people trusting one another and trusting local institutions to act fairly

71. And three key ways of living together:

- a shared future vision and sense of belonging
- a focus on what new and existing communities have in common, alongside a recognition of the value of diversity
- strong and positive relationships between people from different backgrounds...

73. Community cohesion is about local communities where people should feel they have a stake in the society, and in the local area where they live by having the opportunity to influence decisions affecting their lives. This may include what type of community governance arrangements they want in their local area.

74. The 2007 Act requires principal councils to have regard to the need to secure that community governance reflects the identity and interests of local communities; the impact on community cohesion is linked strongly to it. Cohesion issues are connected to the way people perceive how their local community is composed and what it represents, and the creation of parishes and parish councils may contribute to improving community cohesion. Community governance arrangements should reflect, and be sufficiently representative of, people living across the whole community and not just a discrete cross-section or small part of it. It would be difficult to think of a situation in which a principal council could make a decision to create a parish and a parish council which reflects community identities and interests in the area and at the same time threatens community cohesion...

Size, population and boundaries of a local community or parish

78. The Local Government Commission for England in its 1993 Report *Renewing Local Government in the English Shires* makes the point that there is a long history of attempts to identify ideal minimum and maximum sizes for local authorities. Instead its preference was for authorities to be based on natural communities and reflecting people's expressed choices. This is even truer

today, particularly at the most local level of government. Nevertheless, the size of communities and parishes remains difficult to define...

80. 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. This is generally because of the representative nature of parish councils and the need for them to reflect closely the identity of their communities....
83. As far as boundaries between parishes are concerned, these should reflect the “no-man’s land” between communities represented by areas of low population or barriers such as rivers, roads or railways. They need to be, and be likely to remain, easily identifiable. For instance, factors to consider include parks and recreation grounds which sometimes provide natural breaks between communities but they can equally act as focal points. A single community would be unlikely to straddle a river where there are no crossing points, or a large area of moor land or marshland. Another example might be where a community appeared to be divided by a motorway (unless connected by walkways at each end). Whatever boundaries are selected they need to be, and be likely to remain, easily identifiable.

Recommendations and decisions on the outcome of community governance reviews..

94. In deciding what recommendations to make the principal council must have regard to the need to secure that community governance reflects the identities and interests of the community in that area and is effective and convenient. The 2007 Act provides that it must also take into account any other arrangements (apart from those relating to parishes and their institutions) that have already been made, or that could be made, for the purposes of community representation or community engagement.
 95. The recommendations must take account of any representations received and should be supported by evidence which demonstrates that the recommended community governance arrangements would meet the criteria set out in the 2007 Act. ...
 96. In making its recommendations, the review should consider the information it has received in the form of expressions of local opinion on the matters considered by the review, representations made by local people and other interested persons, and also use its own knowledge of the local area. It may be that much of this information can be gained through the consultation which the council will have held with local people and also the council’s wider engagement with local people on other matters...” (emphasis added).
34. The legal principles relating to the *Guidance* are well known. As set out in ***R (Britwell PC) v Slough BC*** [2019] PTSR 1904, [33]-[35]:

“33. The local authority “must have regard” to the *Guidance*: see section 100 of the 2007 Act. In relation to the *Guidance*, the local authority must proceed on a proper understanding of the *Guidance*. It must take the *Guidance* into account and act in accordance with the *Guidance* unless they give clear reason for departing from it: see *Khatun’s* case, para 59. ... the question is whether, as the defendant submits, the defendant also followed the *Guidance* in the sense that the decision to make the Order was consistent with the *Guidance* properly interpreted.

34. The starting point is to consider the relevant parts of the *Guidance* to determine its meaning. The *Guidance* should be read fairly, and as a whole, and in context. The *Guidance* is not to be construed as if it were a statute or a contract but its provisions are nevertheless intended to, and do, have legal meaning

and are intended to guide the decision-maker as to how to exercise its statutory powers: see, by analogy, the role a development plan in the field of planning law, *Tesco Stores Ltd v Dundee City Council (Asda Stores Ltd intervening)* [2012] PTSR 983, 991–992.

35. The statutory context is that the defendant is undertaking a review of community governance and, in particular, the continued existence of certain parishes and parish councils. Its duty is to have regard to the need to ensure that community governance within the area reflects the needs and interests of the community in that area and is effective and convenient: see section 93(4) of the 2007 Act. The defendant must consult local government electors and any other person or body which appears to the authority carrying out the review to have an interest in it: see section 93(3) of the 2007 Act. That is the context in which the Guidance is to be interpreted.”

35. In *Britwell*, the High Court held Slough BC had misinterpreted para. 120 of the Guidance: [36]-[41].

Attempts to engage with the SWT

36. Attached to this letter is correspondence between CFPC and SWT. Their contents are not repeated here.

Analysis

37. Having regard to the records of the Working Group’s meetings (particularly the minutes of its 10.02.22 meeting) and paras. 9.32-9.37 of the Working Group’s report to Committee, it appears the central core of the reasoning is:

- a. The rural areas of the parish have their own distinctive identity and sense of place distinctive from Taunton (Working Group Report para 9.35). However, based on the “*sense of place*” the perceived urban nature of Nerrols Farm (and presumably the other SS2 Sites) “*felt part of Taunton*” (10.02.22 meeting notes, Working Group report para 9.35).
- b. It would better reflect the “*identities and interests of these residents*” (10.02.22 meeting notes).
- c. The area had been urbanised, splitting it off would “*restore [Cheddon Fitzpaine Parish] back to its previous identity*” per *Guidance* para. 83 (10.02.22 meeting, Working Group report para 9.35).

38. With respect, SWT’s approach is irrational.

39. First, the decision appears to be proceeding on a fundamental misinterpretation of the *Guidance*. The only reasons given relate to s. 93(4)(a) (identities and interests of local communities), and even then it appears that the Working Group is, realistically, simply adopting its own view of the sense of place of the

S22 Sites. The response received from SWT's solicitor indicates the Working Group is entitled to do because *Guidance* para. 96 allows councils to take into account, among other things, their own knowledge. There is also a reliance on paras. 83-84 of the *Guidance*, which concern boundaries. Properly interpreted, the *Guidance* places the views of local communities at the heart of the decision-making process on limb (a) and privileges those views:

- a. Somerset CC will need to consider the need to secure that community governance both reflects the identities and interests of the community, and is effective and convenient: s. 93(4), *Guidance* para. 52. That is the statutory context in which this arises.
- b. Parish Councils' two main roles - community representation and local administration – reflect those two requirements: para. 50 *Guidance*. For each of those two roles, it is desirable parish councils reflect a “*distinctive and recognisable community of place with its own sense of identity*” para. 50 *Guidance*. For that, “*the views of local communities and inhabitants are of central importance*”: para. 50. The reason views of local communities are so important is because simply looking at geography is not enough. As the *Guidance* makes clear at para. 51, matters such as the focus of day-to-day activities may well “*not be reflected in [Communities'] feeling of community identity*”: para. 51.
- c. As to the first limb of s. 93(4) (Identities and interests), whether one is dealing with neighbourhoods or parishes the *Guidance* makes clear that “*the feeling of local community and the wishes of local inhabitants are the primary considerations*”: paras. 58-59.
- d. This is unsurprising. One of the influential factors councils are told to consider is the impact of their decision on community cohesion (*Guidance* paras. 51, 54). In determining this impact, the *Guidance* recognises that communities have expert knowledge about their own circumstances, and actions at local level contribute to achieving integration and cohesion: para. 72. Community cohesion is about local communities “*where people should feel they have a stake in the society, and in the local area where they live*” by having the opportunity to influence, for example “*what kind of community governance arrangements they want in their local area*”: *Guidance* para.73.
- e. Councils are expressly told to consider “*the information it has received in the form of expressions of local opinion on the matters considered by the review, representations made by local people and other interested persons*” (para. 96). Whilst a council can also consider its own views, there is nothing in para. 96 which suggests this can be used to override the wishes of local people given the clear statements in para. 50-59 that it is the wishes of local inhabitants which are the “*primary*” consideration.

- f. *Guidance* paras. 83-84 concern the boundaries between parishes. That does not undermine the key theme throughout the *Guidance* that it is a sense of community identity and the wishes of those communities that is the key in defining parishes. Indeed, the fact that people may be in different parishes from their neighbours *cannot* in any way be decisive, where the *Guidance* indicates that sometimes parishes may be based on housing estates rather than the town within which the estate lies: *Guidance* para. 81, 133.
40. Accordingly, SWT have misinterpreted the *Guidance* in failing to understand and appreciate that, properly construed, the views of local communities are of central and primary importance when applying s. 93(4)(a). Their recommendations are vitiated by legal error, and any decision made on the basis thereof would be similarly infected.
41. Second, and in any case, SWT's application of the *Guidance* is irrational. It is divorced from both any logical underpinning and the evidence base before it: ***Balchin, Wells***.
42. Beginning with the evidence base (an important consideration per *Guidance* para. 95), as set out above, the views of local inhabitants are of key or principal importance. These clearly indicate a desire to keep the SS2 Sites within Cheddon Fitzpaine parish.
43. At the quantitative level, there is a clear majority overall and on a parish by parish basis (including in Cheddon Fitzpaine) suggesting that parishes do not consider the new Taunton parish should swallow up part of their areas. This has been shown by both SWT's survey, and that conducted by CFPC. In their response to CFPC's previous letter, SWT point to only eight responses to the CFPC survey indicating otherwise. To that may, of course, be added the 28% of respondents and four parishes of SWT's survey. However, that is with respect a small minority of all respondents.
44. SWT then appear to rely simply on their own view of the communities' identity, relegating the strong view expressed by respondents with the blithe suggestion that this is "*not a referendum*" (see SWT's response to CFPC's previous letter). While it is accepted this is not a referendum, that suggestion clearly ignores the thrust of the *Guidance* and runs contrary to the importance of taking consultation responses into account, as set out by the Supreme Court in ***Moseley***.
45. Nevertheless, a look at the qualitative responses received also fundamentally undermines SWT's approach. Looking at the responses received to Q6 of SWT's question "*Should any new parish or town*

council that is set up in the currently unparished areas of Taunton also take in the urban parts of any surrounding parish(es):¹³

- a. As a preliminary point, CFPC has significant concerns about whether the number of qualitative responses has been accurately summarised for the SWT's decision makers in the document. CFPC does not have the resources to go through it all but note by way of example only that pdf p 97 contains a manuscript response saying *"I do not agree with any of these options. Any new parish council should only serve the current unparished areas. Keep our parish councils separate from Taunton Town"*. That, however, does not appear to have made its way into the written summaries of responses, even for Q6. Inaccurately skewing the information provided to the decision maker is of course a legal error that will have prevented the consultation responses being properly taken into account as required by **Moseley**.
- b. The qualitative responses from those who respond "don't know" repeatedly indicate the matter should be up to the parishes concerned.
- c. The comments of those who respond "no" repeatedly refer to matters which come into the s. 93(4) tests – for example the competent service of the parish councils so far (s. 93(4)(b)); and the fact that parish councils are better placed to understand and support the needs of their area (s. 93(4)(a)). With regard to Cheddon Fitzpaine parish specifically, concerns are expressed that CFPC is better placed to understand and support the Conservation Area. *Guidance* para. 56 makes clear that Parish Councils can contribute to the creation of successful communities by influencing the quality of planning and design. The Local Plan recognises a clear relationship between the SS2 sites and the Cheddon Fitzpaine Conservation Area (Local Plan paras. 5.31).
- d. Even in those comments who respond "yes", there is a recognition that, for example, it should only be those parts *"that the Parishes are happy to lose"*. There are no such parts here.

(CFPC notes, in passing, that the suggestion of redistributing CIL is clearly a live issue in these responses, with some who respond "yes" to the above considering it iniquitous that CIL should not go to the Parish Councils but instead be diverted to the new Taunton parish).

46. There is, therefore, extremely limited evidence before SWT which supports their view, and a significant amount of evidence which weighs against it.

¹³ <https://democracy.somersetwestandtaunton.gov.uk/documents/s19016/Appendix%20D%20-%20Full%20report%20on%20responses%20received%20to%20first%20stage%20consultation.pdf> pdf p. 33

47. Quite apart from the evidence, SWT's view that the identities of the SS2 Sites and the more rural areas of Cheddon Fitzpaine would be better reinforced if the two were separated is an irrational application of the *Guidance*:
- a. As *Guidance* para. 51 recognises, it is not simply geography which matters but the sense of community and community identities. Here, there have been significant successful attempts to ensure that the communities' SS2 Sites are integrated in and identify as part of Cheddon Fitzpaine parish: see Jo Pearson's representation to the March 2022 meeting.
 - b. Absorbing the SS2 sites into Taunton parish will undermine community cohesion, as it will segregate the more rural elements from the more urban elements and undermine the ability of both to work together on common problems – creating a town v country divide where there is none and undermining any shared sense of vision and values. This runs flatly contrary to *Guidance* paras. 69-76.
 - c. Nor does considering size, population and boundaries (*Guidance* paras. 77-85) support their view. Community identity remains at the heart of the matter: parishes should “*reflect community identity and interest*” because of the “*representative nature of parish councils and the need for them to reflect closely the identity of their communities*” (para. 80).
 - d. The reliance on the “border” paragraphs (*Guidance* paras. 83-84) is misplaced:
 - i. Firstly because, as set out above, these do not undermine the importance of identity.
 - ii. Second, even SWT's application of those paragraphs is irrational. Para. 83 refers in effect to breaks between communities (motorways, rivers etc). Green spaces – such as parks and recreation grounds, for example – can in fact act as focal points for communities (as *Guidance* para. 83 acknowledges). This is so here: the Local Plan recognises a clear relationship between the SS2 sites and the Cheddon Fitzpaine Conservation Area (Local Plan paras. 5.31).
 - iii. In any case the fact that people may be in different parishes from their neighbours *cannot* in any way be decisive, where the *Guidance* indicates that sometimes parishes may be based on housing estates rather than the town within which the estate lies: *Guidance* para. 81.

48. Third, recommendation 2(A)(xiii) appears, with respect, not to be supported by any evidence in favour at all. While of course it is open to SWT to reconsider the boundaries of the parishes, the text in support of these recommendations suggests that removing the zig zags would “be more effective to maintain and protect these areas for the future” and that the Working Group simply “felt” these were anomalous. There is no evidence supporting such a view, nor any suggestion that CFPC has not been effective in protecting and maintaining these areas in the past.
49. CFPC further notes the suggestions made elsewhere that the absorption of the housing development and other sites into the new Taunton parish is motivated by political and/or other improper motives relating to the CIL to be charged on any new development. CFPC, as another public body, does of course not make any such allegations. However, should the matter need to progress to judicial review, in accordance with the Duty of Candour of course all documentation and communications going to this point will need to be disclosed, which CFPC considers should help ‘clear the air’ around such concerns. Somerset CC may well consider it best to request all such documentation from SWT, to ensure that it can make any decision in the sure knowledge that there is no such area. It would be wise, for the purposes of community engagement and to ensure such suggestions can be dispelled, for all documentation to be made public.

Conclusions

50. For the reasons set out above the approach taken by SWT is fundamentally flawed. CFPC therefore invites SWT, and / or Somerset CC, to confirm that Recommendations 2A(v) and (xiii) will not be implemented to make a change to current CFPC boundaries.

Yours sincerely

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10 August 2022

Dear Sir / Madam

Community Governance Review of Taunton and Surrounding Parishes (“the Review”)

I am a planning lawyer and am instructed by Cheddon Fitzpaine Parish Council (“CFPC”) in relation to the Review. My instruction follows a CFPC meeting on 8 August 2022.

1. Background to the Review

The Council is in the process of undertaking a review of its local governance arrangements. The first stage of consultation ended on 12 January 2022, which was followed by the publication of draft recommendations for the second stage of consultation. The second consultation ended on 26 July 2022. The Review is due to be completed by October 2022 and any changes effected by the Review are due to be in place by April 2023.

Section 2(A)(v) of the Consultation Text states as follows:

“The urban area covered within the Maidenbrook Ward of Cheddon Fitzpaine Parish Council, including several sites earmarked for housing development in the near future, be included within the boundary of the proposed new Taunton Parish.

Section 2(A)(xiii) states as follows:

“Further consideration be given to whether the current boundary between West Monkton and Cheddon Fitzpaine parishes between Maidenbrook and Yallands Hill south of the Country Park should be amended, for example by following the A3259 westwards to Maidenbrook Lane, in the light of any comments from the

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respective parish councils.”

Given the above timescales, it is anticipated that the Council will be considering its final recommendations within the next few weeks, hence the need for this letter.

2. The Statutory Context for the Review

The statutory provisions for undertaking a community governance review are set out in Chapter 3 of Part 4 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”). Section 88 states as follows:

“88 Existing parishes under review

- (1) A community governance review must make the following recommendations in relation to each of the existing parishes under review (if any).
- (2) The review must make one of the following recommendations–
 - (a) recommendations that the parish should not be abolished and that its area should not be altered;
 - (b) recommendations that the area of the parish should be altered;
 - (c) recommendations that the parish should be abolished.
- (3) The review must make recommendations as to whether or not the name of the parish should be changed.
- (4) The review must make one of the following recommendations–
 - (a) if the parish does not have a council: recommendations as to whether or not the parish should have a council;
 - (b) if the parish has a council: recommendations as to whether or not the parish should continue to have a council.”

Section 93 sets out duties on the Council when undertaking a review:

“93 Duties when undertaking a review

- (1) The principal council must comply with the duties in this section when undertaking a community governance review.
- (2) But, subject to those duties, it is for the principal council to decide how to undertake the review.
- (3) The principal council must consult the following–
 - (a) the local government electors for the area under review;
 - (b) any other person or body (including a local authority) which appears to the principal council to have an interest in the review.
- (4) The principal council must have regard to the need to secure that community governance within the area under review–
 - (a) reflects the identities and interests of the community in that area, and
 - (b) is effective and convenient.
- (5) In deciding what recommendations to make, the principal council must take into account any other arrangements (apart from those relating to parishes and their institutions)–
 - (a) that have already been made, or
 - (b) that could be made,for the purposes of community representation or community engagement in respect of the area under review.
- (6) The principal council must take into account any representations received in connection with the review.
- (7) As soon as practicable after making any recommendations, the principal council must–
 - (a) publish the recommendations; and

(b) take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.

(8) The principal council must conclude the review within the period of 12 months starting with the day on which the council receives the community governance petition or community governance application.”

Section 100(1) states that the Secretary of State may issue guidance about undertaking community governance reviews. The published guidance is the “Guidance on community governance reviews” (CLG, March 2010) (“the Guidance”). The Council “must have regard” to the Guidance (section 100(4)) and must proceed on a proper understanding of the Guidance and act in accordance with it, unless it gives clear reasons for departing from it (*R (Khatun) v Newham London Borough Council* [2004] EWCA Civ 55). This obligation is confirmed in paragraph 1.3 of the Council’s Terms of Reference for the Review.

Whilst the Guidance is not to be construed as if it was a statute, “its provisions are nevertheless intended to, and do, have legal meaning and are intended to guide the decision-maker as to how to exercise its statutory powers” (para 34, *R (oao Britwell parish Council) v Slough BC* [2019] P.T.S.R. 1904).

At paragraph 35 of *Britwell*, the Court stated as follows (emphasis added):

“The statutory context is that the defendant is undertaking a review of community governance, and in particular, the continued existence of certain parishes and parish councils. Its duty is to have regard to the need to ensure that community governance within the area reflects the needs and interests of the community in that area and is effective and convenient: see section 93(4) of the Act. The defendant must consult local government electors and any other person or body which appears to the authority carrying out the review to have an interest in it: see section 93(3) of the Act. That is the context in which the Guidance is to be interpreted.”

In relation to the needs and interest of the community, paragraph 58 of the Guidance states as follows:

“It is clear that how people perceive where they live – their neighbourhoods - is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents. Some of the factors which help define neighbourhoods are: the geography of an area, the make-up of the local community, sense of identity, and whether people live in a rural, suburban, or urban area.”

Paragraph 59 of the Guidance explains that “the feeling of local community and the wishes of local inhabitants are the primary considerations” when establishing the community interests and identity of a parish. Paragraph 72 states that “The Commission on Integration and Cohesion’s report, *Our Shared Future*, is clear that communities have expert knowledge about their own circumstances and that actions at the local level contribute to achieving integration and cohesion, with local authorities well placed to identify any pressures” (emphasis added). Paragraph 74 focuses on the importance of “community cohesion”.

Paragraph 95 states that “The recommendations must take account of any representations received and should be supported by evidence which demonstrates that the recommended community governance arrangements would meet the criteria set out in the 2007 Act”. Paragraph 96 states that “In making its recommendations, the review should consider the information it has received in the form of expressions of local opinion on the matters considered by the review, representations made by local people and other interested persons, and also use its own knowledge of the local area”.

3. The Consultations

The Council received a total of 201 responses in the first stage consultation. Of these 201 responses, the Council stated that 16 were received from Cheddon Fitzpaine. In response to Question 6 (“should any new parish or town council that is set up in the currently unparished area of Taunton also take in the urban parts of any surrounding parish(es)?”), 59% of respondents said ‘no’, with 16 of the 18 respondents in Cheddon Fitzpaine also saying ‘no’. The themes of those who said ‘no’ to question 6 are described by the Council as being “comments that the current parishes were effective, the exercise was not warranted, and to concentrate on unparished area first”.

Given that the Council’s first stage consultation only secured 201 responses, of which just 18 were from Cheddon Fitzpaine, it is helpful that CFPC conducted its own survey following the launch of the Review. A survey form modelled on the Council’s questionnaire was provided to each resident through CFPC’s December 2021 newsletter. A copy of the survey results has previously been provided to the Council and is enclosed again with this letter.

Its results are compelling. In response to its question 2 (“do you want to keep your Parish Council and with its local knowledge and representation”, 99.1% of the 116 respondents replied ‘yes’. In relation to question 3 (“do you think the area in which you live in Cheddon Fitzpaine Parish should be incorporated into any future Taunton Town Council”), 92.2% of the 116 respondents said ‘no’. Forty seven written comments were also provided in response to question 4. The overriding view of people living in Cheddon Fitzpaine was for the area of their parish to remain unchanged.

At its Full Council Meeting on 3 March 2021, the Council considered the results of the first stage consultation and draft recommendations. Paragraph 7.6 of the Report states as follows:

“The Council will note that a number of the parish councils within the review area also conducted their own surveys of local residents on the matters to be considered by the review and provided the results of these surveys in their responses. The Working Group agreed that these surveys should be considered alongside the formal responses to the council’s own consultation and the relevant information is included in section 9 below.”

At paragraphs 9.32-9.36, the Report considered the CFPC survey. Whilst the Report accepted that “the rural parts of Cheddon Fitzpaine had a distinctive identity and sense of place separate from Taunton” (paragraph 9.34), the Report concluded (paragraph 9.35) that parts of the CFPC area should be absorbed within the new Taunton Parish / Town Council area:

“Based on the criteria of sense of place however, members considered that 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 another strong example whereby paragraph 83 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.”

The Council’s conclusions were set out in paragraph 9.37:

“Based on these considerations, the Working Group recommends the area covered by the Maidenbrook Ward of Cheddon Fitzpaine Parish Council, including several sites earmarked for housing development in the near future, be included within the boundary of the proposed new Taunton Parish.”

The results of the second stage consultation have not yet been published. Given the overwhelming evidence presented by CFPC in its survey, a second survey has not been commissioned.

4. Analysis

It is clear that the views of CFPC and its residents are diametrically opposed to those of the Council and its Members. Despite CFPC's survey generating more than 50% of the total number of responses which the Council received for its first stage consultation, and despite the vast majority of the CFPC respondents not wanting the parish area to be amended, the Council has concluded differently.

Its justification is the one set out in paragraph 9.35 of the Report to the March 2021 Meeting, namely, that the Council considers that based on a 'sense of place', the urban area of Nerrols Farm "felt part of Taunton" and that absorbing it into the new Taunton area "would restore Cheddon Fitzpaine Parish back to its previous identity as a village parish". The Council relies upon paragraph 83 as justification for its approach.

The Council's position is untenable and unsupported in law, for the following reasons:

- A. As explained above, the Guidance must be read fairly. Whilst parts of the Guidance may pull in different directions, the essence of the Guidance when read as a whole must guide decision-makers. This is reinforced by the fact that section 100(4) expressly requires regard to be given to the Guidance. When read fairly and as a whole, the essence of the Guidance is one of reflecting the views and wishes of the affected communities, eg "the views of local communities and inhabitants are of central importance" (paragraph 50), "the feeling of the local community and the wishes of local inhabitants are the primary consideration (paragraph 59), and "communities have expert knowledge about their own circumstances" (paragraph 72). To act otherwise would be to ignore the consultations and the statutory provisions, as it is only by listening to the views of local inhabitants that an informed decision can be reached. The overriding evidence is that the inhabitants of Cheddon Fitzpaine do not want part of the parish to be absorbed into the new Taunton area.
- B. The Council had the details of the CFPC survey results in March 2021. The Council accepted the results and set them out in its Council Report. The Council did not suggest (nor could it have done so) that the results of the CFPC survey were anything other than representative of the views of the entire parished area. By definition, this would have included "the urban area of Nerrols Farm".

The Council relied on paragraph 83 and stated, in terms, that the boundary of CFPC had become unidentifiable. However, the evidence which should have guided the Council on this point was the opposite: the inhabitants of CFPC, in large numbers, overwhelmingly considered their parish to be easily identifiable and, accordingly, one they wished to preserve in its entirety. The Council is unable to point to any evidence to the contrary. Instead, it has relied on its own views, and ignored the views of the vast majority of the inhabitants in doing so. This is plainly contrary to the Guidance and the statutory objectives.

The fact that CFPC has various character areas, both old and new, rural and semi-urban, does not mean that the parished area is not identifiable. There is no statement in the Guidance which suggests that a parished area must be of a uniform character. As paragraph 48 states, the central tenet of sustainable communities is "community cohesion". Such "cohesion" is not predicated on artificial boundaries but on a feeling of community, shared objectives and shared visions. Indeed, it is precisely this sense of "community cohesion" which the respondents to the CFPC survey were emphasising in their responses to the survey, and which underlined their "sense of place" within the parish. This is the very issue which the Council completely misunderstood and/or missed in its analysis in paragraph 9.35 of the Report.

- C. The Council anticipates (at paragraph 9.37) that "several sites earmarked for housing development in the near future" would also be more suited to being within the new Taunton area. This is mere assertion. The

Council has no evidence that this will be the case. Indeed, the only evidence which the Council may have regard to is that the inhabitants of the newer areas of the parish have expressly stated that they wish to remain within CFPC. The Council cannot give any weight to its assertion that unknown (and currently non-existent) future residents will want to be part of the new Taunton area. The only evidence available is that as new developments have been developed within CFPC, those residents have been proud to be part of CFPC and wish to continue to be part of it in the future.

- D. Recommendation 2(A)(xiii) states 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 westwards to Maidenbrook Lane, in the light of any comments from the respective parish councils.” In common with point C above, there is no evidence upon which the Council can rely which enables it to make such an amendment. The only evidence, as stated above, is that the inhabitants of CFPC do not wish any of the areas within their parish to be removed from the parish boundaries.
- E. The recommendations of a review must “be supported by evidence which demonstrates that the recommended community governance arrangements would meet the criteria set out in the 2007 Act” (paragraph 95). All the evidence, both from the Council’s own survey the CFPC survey, is that the existing community governance meets the criteria of the 2007 Act in the following ways: (i) the community is economically vibrant; (ii) the community is well-run by the extant CFPC; (iii) the community is engaged, as shown (for example) by the fact that its survey received over half of the total number of responses which the Council received to its area-wide consultation; (iv) the community has a clear sense of place; (v) the community has a clear sense of identity; and (vi) the community is actively involved with its future planning.

The proposed absorption of part of CFPC into the new Taunton area would directly and manifestly harm each of these facets of CFPC. Rather than thriving as a close-knit community, its identity and sense-of-self would be destroyed. There is no lawful basis for such action, contrary as it is to the provisions of the 2007 Act and the Guidance.

- F. The Council is able to depart from the Guidance if it has clear reasons for doing so. However, the Council is not seeking to depart from the Guidance. Instead, it has stated that the Guidance (and for which it can only point in support to its own interpretation of paragraph 83) justifies its decision. In *Britwell*, the Court quashed a decision to abolish two parish councils, on the grounds that the Council had wrongly applied the Guidance. That is the position here. The Council has not even attempted to distance itself from the huge public opposition to its proposals for CFPC. Instead, it has relied on an incorrect interpretation of paragraph 83 as justification for a wholesale redrawing of the CFPC boundary. Plainly, such a decision would be unlawful as, in common with *Britwell*, it is an example of a council misunderstanding the Guidance, rather than providing reasons for departing from it.
- G. As set out above, section 93(4) of the 2007 Act states that “the principal council must have regard to the need to secure that community governance within the area under review: (a) reflects the identities and interests of the community in that area, and (b) is effective and convenient. The use of the word “and” is important, as it requires both limbs of the sub-section to be satisfied. It is clear from the evidence available to the Council that an amendment of the parished area would not reflect the identities and interests of the community of Cheddon Fitzpaine. Accordingly, section 93(4) cannot be met by the proposed alteration, and any such alteration would be unlawful.

If the Council had evidence which countered the evidence provided by the CFPC survey or the first stage consultation, it could potentially argue that its own evidence better reflected the identities and interests of CFPC. However, not only does the Council have no such evidence but all the evidence is overwhelmingly to the contrary. As such, as a matter of law, it cannot “reflect the identities and interest” of CFPC by redrawing its parish boundaries.

5. Conclusion

CFPC is disappointed that it has been necessary to instruct a lawyer in relation to this matter. However, given the second stage consultation and the recommendations on which it was based, CFPC has no alternative. For the reasons set out in this letter, CFPC requires the Council to confirm, as a matter of urgency, that the implementation of the Review will expressly exclude items 2(A)(v) and 2(A)(xiii), and that no alterations will be made to the current CFPC boundaries. Whilst CFPC would consider judicially reviewing a decision to amend the boundaries set out in the Review, CFPC does not seek proceedings and trusts that the Council similarly wishes to ensure that they are not necessary.

Yours sincerely

A handwritten signature in black ink, appearing to read 'T. Taylor', written in a cursive style.

Tim Taylor
Khift Ltd

Cheddon Fitzpaine Parish Council Community Governance Review

Parish Council Survey results

On the 19th of October 2021, a decision was reached by Somerset West & Taunton Council (SWT) “that a community governance review be undertaken of the unparished area of Taunton and surrounding parishes (Trull, Bishop’s Hull, Comeytrowe, Norton Fitzwarren, Staplegrove, Kingston St. Mary, Cheddon Fitzpaine, West Monkton) with a view to the creation of a parish or parishes and council(s) to serve all or part of that area.” This was accompanied by a commitment on the part of SWT to carry out a consultation exercise across the area involved.

Consequently, Cheddon Fitzpaine Parish Council (CFPC) resolved to engage with the community of CF and establish their views on the matter. The December 2021 issue of our parish newsletter (distributed to every household within the parish) laid out the facts and explained to residents the need to at least resolve the outstanding issue of the unparished area in and around the centre of town. A survey form modelled on the one used by SWT together with a pre-paid return envelope was inserted into the newsletter and residents were asked to share their viewpoint with their Parish Council by means of either the paper form or the online equivalent on the CFPC website. Residents were also informed that SWT were carrying out their own public consultation and were provided with the SWT online link. Residents were urged to complete both the CFPC survey AND the SWT survey.

This report presents the results of our CFPC survey form:

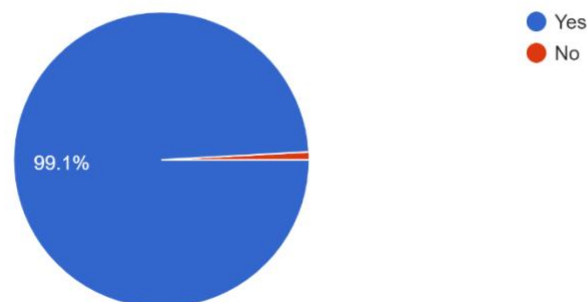
Q1 and responses: We need your postcode to validate your status as a member of our community

ta2 8py TA2 8JU ta28px ta2 8px ta28qe ta2 8qb ta2 8qa ta28pu ta28py ta2 8ju TA2 8QD ta28ju ta2 8pu ta2 8qe ta28qg ta2 8qf ta28qb Ta2 8ju ta2 8qg ta28lb ta2 8jy TA28PY TA2 8JU TA2 8PS TA2 8QF TA2 8PX TA2 8LB TA2 8QA TA2 8TD Ta28pt ta28jw ta2 8ry ta2 8lb Ta28qa ta28qd ta2 7qb ta28ry ta28ps ta28qf TA28PT TA2 8QF ta28pg ta28pt ta28qa ta28ga ta2 8qp TA28PX ta2 8pt ta2 8GA ta2 8sn TA2 8PS

Q2 and responses:

Do you want to keep your Parish Council and with its local knowledge and representation?

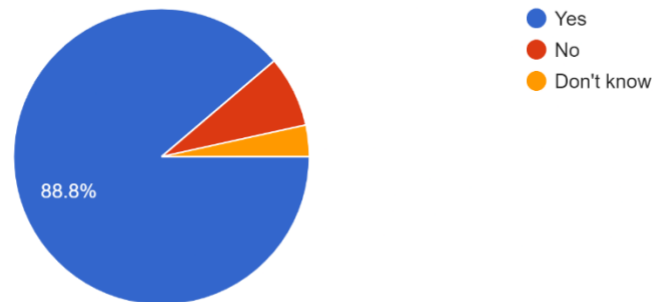
116 responses



Q3 and responses:

Do you think the new Taunton Town Council should represent only the currently unparished centre of Taunton?

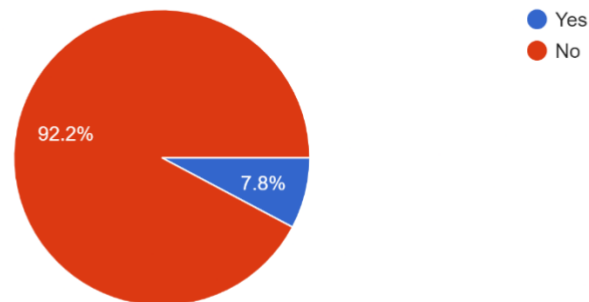
116 responses



Q4 and responses:

Do you think the area in which you live in Cheddon Fitzpaine Parish should be incorporated into any future Taunton Town Council?

116 responses



Do you have any comments to make?

1. In my opinion, SWT's review is not motivated by what's best for our parish.
2. The Parish Council for Cheddon Fitzpaine is vitally important as a link with the Parish community to look after our interests and concerns
3. We need to keep our Parish Council in Cheddon Fitzpaine as they are the best forum for our interests locally.
4. Border of the parish may need adjusting. It would make some sense for Nerrols to be incorporated within Taunton, but certainly not the rest of Cheddon Fitzpaine.
5. Absorption of the parish councils into one large council may seem sensible on paper to "improve efficiency", but it is at expense of the loss of voice for the residents of these parishes. It would be inevitable that such a solution would mean residents would lose influence on decision making for their area, to the detriment of those areas.

6. Cheddon Fitzpaine Parish Council should remain as our Parish Council. Who else can possibly know the needs of the people better in this area!!!!
7. I believe in communities and the importance of having Parish Councils to understand and represent them. People choose to live in rural communities for a reason, and I cannot see how their needs could be represented in the same way if they were forced to be part of a Taunton Town Council. Therefore I support the Parish Council for Cheddon Fitzpaine remaining in place and independent.
8. The Cheddon parish should only incorporate the rural element of Cheddon. Any new boundaries should ideally not span urban and rural areas.
9. Thank you for all of your hard work for Cheddon Fitzpaine. It would be such a shame to lose all of the local knowledge and for this to be absorbed into a larger town council.
10. local knowledge from local people
11. I don't think an all incorporating town council would.could ensure specific local representation for each area of Taunton.
12. Leave the parishes as they are, they work and look after their community well. The unparished areas need a Town Council to look after them the same as in the Parishes.
13. My concern is where will it stop, will we then merge further and before long all is lost as the majority become better supported. Much better to improve support where its needed (Taunton Town). A brighter future would see a new Parish welcomed and supported from the surrounding Parish Councils.
14. The current system works well. There is no benefit from changing it
15. the area would be too large and the parish community will be lost especially with all the new build developments
16. I chose to live in a village not a town.
17. the existing council cannot manage what they have now, what makes them think they can do better with a bigger anti social behaviour, graffiti, homelessness, road works. The town centre is a disgrace!
18. However, parts of cfpc are becoming more urbanised. If the PC is retained, we must continue to ensure the PC gets proper opportunity to influence issues beyond the PC boundary which impacts on the parish eg; transport, infrastructure and planning.
19. Local parish councillors have direct local indirect knowledge and best interests at heart
20. The local parish council is very proactive and decisions made provide what I consider is great value for money due to their local knowledge.
21. keep it local. local people making local decisions
22. Surely the title says it all. Taunton town council. We are on the fringes and there is a reason why we do not live in town.
23. Looking at the map overleaf, the town council parish should be the unparished area only. Maybe North and south
24. presumably if SWT proposal was to go ahead, we end up with local councillors only. Not happy about that
25. i think that cheddon fitzpaine parish council should remain and the unparished area to be taken over by taunton town council
26. Having attended the CFPC meeting on the 6th of December 2021, and hearing Mike Rigby talk on the arguments for restructuring the boundary when making a new Town PC for Taunton town centre - I want to add most strongly, that I think the two separate issues, (having a Town Council for the un-parished area, and re establishing the boundary for the town centre), should be done completely separately, as doing them together is NOT taking an opportunity, it is misleading people on a very important issue and effectively a land grab.

27. I feel most strongly that this decision should be democratic too, and am shocked to learn that SWaT will be making the final decision on the new parish council and boundary themselves - this is so wrong on every level.
28. If SWaT want to look at the urban/rural boundary at a later date - they MUST also redress the way finance is distributed to rural parishes so that they do not loose out.
29. I am really saddened to see yet another government issue sweeping in like this, (straight after the unity issue), loading people with so much information, then giving them little time to reply at Christmas - also, at time when Covid has changed out lives in so many ways.
30. It feels to me that Councils are taking advantage of this situation, rushing mass decisions through, bamboozling people with masses of information to the point that they don't understand or don't have the time, to the equipment/facilities to fairly understand or reply
31. Outlying parishes have different needs to the town and should not be amalgamatedi very much like the work done by cfpc. They know the area better than anyone and always do their best for residents. Long may this continue.
32. town councils don't understand the high value of our green spaces, they might support new development. Rural solutions - no new homes. save cheddon fitzpaine.
33. The manner in which the SWT have conducted themselves in the matter to date has generated a great deal of mistrust in their motives. SWT did not follow the advice of its own working group when it made its decision in October and I would ask them to respect the outcome of the consultation when completed.
34. As a resident of Cheddon Fitzpaine Village I am concerned to maintain the unique character of this Conservation Area. I believe Cheddon Fitzpaine PC is better placed to understand and support the needs of this area. Conservation Areas have statutory protection but also rely on the local councils respecting the intent of this legislation not just the letter. I don't think a single Taunton council could do this successfully.
35. There is a real risk that if the Cheddon Fitzpaine PC was abolished it would send a signal to potential developers that there is no distinction between the centre of Taunton and these outlying villages. Taunton should be doing everything they can to preserve these areas and the creation of a single town council would be a very deliberate step in in the other direction.
36. By having a central decision making organisation will not reflect the wishes or understand the views of local residence
37. The town council needs the revenue from the outlining few estates which are part of the change the councils have presided over, Without the new estates money the town council wont have enough to make the difference. We will all benefit from. The parished area here, has no facilities.
38. I can see that there is a case for joining up of parishes eg CF & WM
39. I would envisage Cheddon parish council and all other parishes to be subsets of the core town council.
40. While I understand that Taunton as a whole has overlapping communities among the parishes, when it comes to management and distribution of funds for anything, it has been proven for the longest time that the smaller and even more localised parish councils would do a far better job and with more sincerity than the more generic Taunton Town council.
41. In Cheddon Fitzpaine we have one of the finest village halls in Somerset. It was built in 2000 with initially, local fund raising, and a grant (if memory serves) of £20,000 from our local Parish Council, which was provided by increasing the precept for a set number of years. It was this local support that helped secure the Lottery, and local authority grants which enabled the hall to be built. I have been a trustee of the Memorial Hall for over 30 years and am now chair, and I truly believe that without the support of our P.C. at the time, our beautiful hall

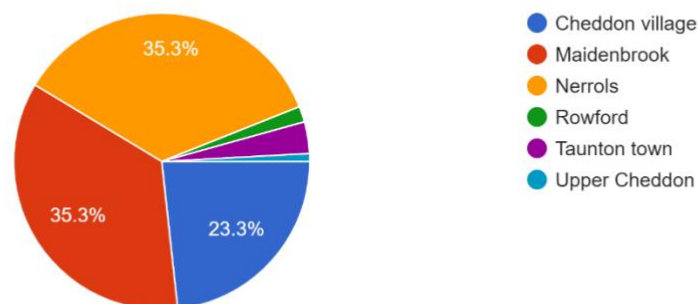
would not have been built, which would have been a huge loss to the community. I do not feel that this level of help would have been provided by an amorphous Taunton Town Council.

42. I feel that the likes of Cashford gate we should be part of Taunton even is the village of Cheddon Fitzpaine and West Monkton remain outside. The better reflects the reality on the ground.
43. Depends on council tax
44. Our Parish council have used their local knowledge to produce a neighbourhood plac and deliver exceptional value for not much money.
45. Any question of incorporation of the parishes should be proposed by the parishes and not by an outside agency. Id this proposal is good for the parishes then they will support it. It must not be imposed.
46. To me, it would be bonkers incorporating this parish into a town centre Parish Council. The current PC has representatives from across the parish collecting, representing and dealing with resident concerns.
47. our parish councillors are local people and can be easily approached in person by parishioners. They have extensive knowledge of the history of their parish and concerns of parishioners. This makes them best qualified in administrating local matters.

Q5 and responses:

Which one of the following areas do you feel you belong to and identify with most

116 responses



Additional Comments:

1. Cheddon Fitzpaine PC is doing a great job and will be able to do an even better one when it is in complete control of all the CIL revenue expected to accrue from future developments in the parish.
2. To me, there is a very distinct difference between living in a town/city (urban life), to living in the countryside (rural life) - the needs and priorities are different for both and the parishes need to reflect this.
3. The Parish councils should have some of the services provided by SW&T devolved down to them, including the finance to support this.
4. we are a historic village and do not want to be included with an urban town council if a separate council is created for the unparished area, the parish councils should ensure they have a strong voice on the Taunton town council. The reason? The town is the major

economic and social driver and decisions in the town council area will have impact on the parishes. It is only right that the parishes have an input to these decisions.

5. SWaT need to do a hell of a lot more to give people a fair chance to understand and comment on all the policies they are pushing ahead with. I am very dubious about how they effect change and quite frankly, Councils should be helping us, yet I feel they can be trusted and need policing... very sad.
6. My preference is the SWT restrict any changes to the un-parished area and make no changes to any of the existing PC. There are many other changes to the Somerset Council structure in the next few years and any discussion of wider change in the parish structure should be delayed until after the new arrangements of the Unitary Council are in place and people can view any parish boundary changes with this in place. Otherwise it seems like SWT are rushing this through in advance and I would question the motivation for doing this.
7. SWT should be embarrassed at the way they are proceeding in this matter.
8. Always a matter of concern when parishes (communities) are threatened with losing identity, however, not all change should be considered detrimental.
9. Thankyou for bringing this to our attention
10. Parish councils provide a worthwhile contribution to community governance and are mostly often first responders to any issue/concern in their local area. They are best placed communicators in communities and are a substantial economically viable tier of local government. Devolved governance to local parishes have historically long term objectives to facilitate a dialogue between parishioners and town councils. It is incomprehensible that town councils could take over current responsibilities in parishes provided to a large degree by voluntary parish councillors who make a valuable contribution by investing their time and energy into local issues. Former district councils devolved into larger unitary authorities are not yet proven to be a successful transition to local governance and in many respects it is premature to be debating further changes while communities are already to address changes. Any danger of losing the only effective economic tier of administration should be rejected.
11. I don't see the need to fix something that is clearly working so well for us. We have a Taunton postcode but we do not live in Taunton and for most there are important reasons why.
12. I have drawn on the hard copy what I regard as Taunton as now and where the growth has come from. Phase 2 as West Monkton develops may need including too.
13. I agree that there should be a parish council for the unparished area of Taunton. This new PC if formed will have many challenges over the forthcoming years such as reenergising the town centre which all agree is in a critical state. Parishes such as ours, Monkton Heathfield etc will receive a standard of support from such a PC well below that which they deserve.

Conclusion

CFPC believe the survey questionnaire that is the basis of this report clearly constitutes a full and fair consultation with our local community on the Local Governance Review undertaken by SWT. We feel that the number and nature of responses received provides clear evidence that there is no appetite within our parish for changing the third-tier status quo. We therefore call upon SWT to give full weight to this evidence during its Local Governance Review decision-making process.

Mr T Taylor
Khift Ltd
Fore Street
MORCHARD BISHOP
Devon
EX17 6NX

Dear Mr Taylor,

RE: Community Governance Review of Taunton and Surrounding Parishes (“the Review”)

Thank you for your letter dated 10th August 2022. I note you are a lawyer instructed by Cheddon Fitzpaine Parish Council in relation to the Community Governance Review of the unparished area of Taunton and eight neighbouring parishes.

Your letter is marked *“This letter is confidential and may be subject to legal professional privilege.”* However, I understand it was shared with the press at the same time as ourselves. Can you please confirm this?

I am responding on behalf of Somerset West and Taunton Council (“the Council”) to your letter. I am following your headings in terms of my reply.

1. Background to the Review

You are correct that the process is planned to be completed by October 2022. However, due to the Structural Change Order issued by the Secretary of State, and the Transitional Regulations (*The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008*), the process set out in the primary legislation is varied.

So, responsibility for the review and agreeing the final recommendations thereof remain within the functions of the District Council.

The making of the Re-organisation Order, to give effect to those recommendations, is a matter for Somerset County Council. This is a departure from the primary legislation process under Direction of the Secretary of State. It is fully compliant with the law as amended.

The Working Group have met on a number of occasions during August and September 2022 to deliberate on the second stage consultation and have taken into account all representations received during that consultation in preparing their final reports and inviting the Full Council at SWAT to make final recommendations for submission to the County Council. This has now been published and can be found attached along with this letter.

2. The Statutory Context for the review

You recite excerpts from the legislation. Rather than respond to each extract I would simply say this:

The Council is proceeding in compliance with the legislation, the Ministerial Direction and Regulations. In addition, the Council is conversant with and complying with the Guidance.

You have mentioned two cases.

- R Khatun relates to the terms of a tenancy agreement. In any event I'm satisfied the Council is acting properly in relation to both statute and Guidance in conducting the review and is not seeking to depart from the Guidance.
- I'm fully conversant with the Britwell case and have drawn it to the attention of the Local Authority. It's a useful precedent. The comments of the Judge that you have noted, are well known to me. I often recite them in discussions with elected Councillors.

You go on to refer to s93. I have referenced this to the Members I am advising.

For example, in the published notes from the Working Group held on 26th January 2022: *"The consultant set out two key criteria as set out in the 2007 Act – s93 – when deciding on arrangements and these were the identity and interest of community and that local government should be effective and convenient."*

The members are conversant with this, and understand their duties and discretions.

You refer to Paragraph 96 of the Guidance. This makes clear that in making its recommendations, the review should 'consider the information it has received in the form of expressions of local opinion on the matters considered by the review, representations made by local people and other interested persons, and also use its own knowledge of the local area' (my emphasis).

Paragraph 15 of the Guidance states *'In many cases making changes to the boundaries of existing parishes ... will be sufficient to ensure that community governance arrangements continue to 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 the boundaries resulting in people being in different parishes from their neighbours. In such circumstances, the council should consider undertaking a community governance review, the terms of reference of which should include consideration of the boundaries of existing parishes'*.

The Council are fully complying with the Guidance. We have been and are taking into account properly and fully representations made.

The elaboration of this is set out in:

- the final report that will be submitted to SWT Full Council on 29 September 2022
- and, with appropriate covering reports, to SCC Executive on 21 September
- and SCC Full Council on 5 October 2022.

3. The Consultation

The Consultation and responses are addressed in the Full Council report.

I will make sure that your letter, and my reply, is copied to the Working Group since they are all aware of your letter and my intended reply.

You raise the matter of Cheddon Fitzpaine. This is dealt with in the report. In the 2nd Stage Consultation the Council specifically ran a drop-in event in Cheddon Fitzpaine Memorial Hall to promote the review, engage with residents as well as the running of a door drop mail-out to residents across the area of the review.

4. Analysis

You are correct that we are not seeking to make a case for departing from the Guidance. Rather we believe that we have conducted the review and arrived at its recommendations in accordance with the Guidance.

As you recognise, *'parts of the Guidance may pull in different directions'*.

It is the duty of the council to consider the evidence received against the criteria set out in the Act and the Guidance, as a whole, and come to a judgement about which recommendations would best meet those criteria. This may require for example a balance to be struck between community identity and effective and convenient local government.

You state at Bullet F that *"Instead (this refers to the Council I think), it has stated that the Guidance (and for which it can only point in support to its own interpretation of paragraph 83) justifies its decision."* Although the Council references Paragraph 83 in its report specifically in relation to the boundary of Cheddon Fitzpaine, the Guidance as a whole was used by the Working Group in coming to its recommendation to Full Council on this particular proposed amendment.

The Council is required to consult local electors and other interested parties and to take into account any representations received.

However, a community governance review is not a referendum. Although of course the number of responses for or against a proposal is important, so are the reasons (if any) provided for those responses and the extent to which these address the criteria for the review, and any objective evidence that is available on e.g. community interests and identities.

You state that *“The Council accepted the results and set them out in its Council Report. The Council did not suggest (nor could it have done so) that the results of the CFPC survey were anything other than representative of the views of the entire parished area”*

The Working Group made a decision to consider these surveys alongside the formal responses to the council’s own consultation. I do not believe this was tantamount to an acceptance of the results without further discussion or qualification.

It is true to say that the Parish Council’s survey in response to the Stage 1 consultation attracted over half as many responses as SWT’s own exercise. However, Cheddon Fitzpaine has 1,880 electors (May 2022 figure) – 314 in Cheddon Ward and 1,566 in Maidenbrook Ward. Even if all 116 respondents to the Parish Council’s survey live in the parish (which is not certain as only 51 postcodes have been provided) this does not demonstrate that the *‘the inhabitants of CPFC, in large numbers, overwhelmingly ... wished to preserve [their parish] in its entirety’*.

It is not correct to say that *‘the only evidence available is that [local people oppose the proposals]’* or that *“The Council is unable to point to any evidence to the contrary.”*

The Parish Council’s own survey included at least eight responses expressing other views including some supporting the urban parts of the parish being included in the proposed Taunton Parish, and the SWT consultation has received a number of similar comments.

It is also not correct to say that the Council has *‘ignored the views’* of those who responded from Cheddon Fitzpaine Parish and that the Council has *“relied on its own views”*.

The Council published the entirety of responses received to the Stage 1 Consultation as well Cheddon Fitzpaine Parish Council’s survey in its Agenda Pack and resolved at that meeting that it *“confirms that it has considered and takes into account the responses received to the first stage consultation on the community governance review of the unparished area of Taunton and eight adjoining parishes together with the recommendations of the Community Governance Review Working Group as detailed below and in this report.”*

At Point D you refer to Recommendation 2 (A)(xiii) and state that there is *“no evidence upon which the Council can rely which enables it to make such an amendment.”* The Community Governance Review covers the whole of the area of the review including the eight parished areas, and the Terms of Reference for the review explicitly state at 5.1 that issues for consideration will be: *“whether any changes should be made to the boundaries of any existing parish(es) and whether any existing parish or parish council should be abolished or grouped.”* The Working Group received evidence to guide their deliberations from a number of sources including the responses to the two stages of consultation and elected members representing a number of the areas included within the review.

The Decision Sheets (Appendix B of the 3 March 2022 Council Report) state clearly the reason for highlighting this ancillary inter-parish boundary issue in accordance with the Guidance, to be consulted on as part of the second stage.

“It was considered that the boundary between West Monkton and Cheddon Fitzpaine Parish may wish to be revised to remove two anomalous zig-zags that had no relation to the geography of the area and for these two areas abutting the proposed Taunton Town Council area be transferred into West Monkton Parish. • These minor revisions would be more effective and convenient to maintain and protect these areas for the future. It was agreed to request to write to Cheddon Fitzpaine Parish Council to include them in these discussions.”

Para 85 of the Guidance states that; *“A review of parish boundaries is an opportunity to put in place strong boundaries, tied to firm ground detail, and remove anomalous parish boundaries”*.

5. Conclusion

“For the reasons set out in this letter, CFPC requires the Council to confirm, as a matter of urgency, that the implementation of the Review will expressly exclude items 2(A)(v) and 2(A)(xiii), and that no alterations will be made to the current CFPC boundaries.”

The Council is not in a position to confirm such. The Working Group have considered the analysis and responses to the 2nd Stage Consultation and the outcome of their deliberations will be presented to the Council in September as planned.

Any decision to make a Reorganisation Order will be a decision by Somerset County Council and as mentioned above it is proposed that the County Council will consider this matter on 5 October 2022 having received recommendations from the Somerset West and Taunton Council meeting on 29 September 2022.

The decision on the community governance review, in terms of a Reorganisation Order, is a matter for the County Council. I am copying your letter and my reply to the chief solicitor of the County Council who is Honor Clarke.

Yours faithfully,

Kevin Williams MA (Oxon)
Solicitor
Deputy Monitoring Officer

This response has been considered by, and contributed to by, the consultant who has also advised on the community governance review. He is:

John Williams
CGR Consultant