

EXTRAORDINARY COUNTY COUNCIL

Minutes of a Meeting of the County Council held in Canalside, Marsh Lane, Bridgwater TA6 6LQ on Wednesday 5 October 2022 at 10.00 am

Present: Cllr S Ashton, Cllr J Bailey, Cllr M Barr, Cllr M Best, Cllr B Bolt, Cllr A Bradford, Cllr H Bruce, Cllr T Butt-Philip, Cllr N Cavill, Cllr M Chilcott, Cllr P Clayton, Cllr S Coles, Cllr J Cook-Woodman, Cllr N Cottle, Cllr A Dance, Cllr D Darch, Cllr T Deakin, Cllr D Denton, Cllr M Dimery, Cllr L Duddridge, Cllr S Dyke, Cllr C Ellis, H Farbahi, Cllr B Ferguson, Cllr B Filmer, Cllr D Fothergill, Cllr A Govier, Cllr T Grimes, Cllr A Hadley, Cllr M Healey, Cllr B Height, Cllr H Hobhouse, Cllr A Kendall, Cllr J Kenton, Cllr T Kerley, Cllr M Kravis, Cllr C Lawrence, Cllr L Leyshon, Cllr T Lock, Cllr M Lovell, Cllr H Munt, Cllr T Munt, Cllr M Murphy, Cllr G Oakes, Cllr S Osborne, Cllr O Patrick, Cllr K Pearce, Cllr E Pearlstone, Cllr D Perry, Cllr E Potts-Jones, Cllr T Power, Cllr S Pugsley, Cllr W Read, Cllr B Revans, Cllr M Rigby, Cllr T Robbins, Cllr D Ruddle, Cllr H Shearer, Cllr G Slocombe, Cllr B Smedley, Cllr F Smith-Roberts, Cllr F Smith, Cllr J Snell, A Soughton, Cllr M Stanton, Cllr A Sully, Cllr L Trimnell, Cllr M Vale, Cllr R Wilkins, Cllr D Woan and Cllr R Woods

Chair's Announcements

Memorium

The Chair of Council requested all present stand for a minutes silence in respect of Her Majesty Queen Elizabeth II.

The Chair of Council paid tribute to former County Councillors Ann Bown and Bea Roberts.

Former County Councillor Ann Bown

Ann Bown was the Councillor for Bridgwater West from 2005 – 2022. Ann sat on the Regulation Committee, Devon and Somerset Fire Authority, Audit Committee, and Scrutiny Committees and Chaired the Health and Wellbeing Board.

Cllr David Fothergill and Cllr Mark Healey and Cllr Bill Revans paid their tributes to Ann Bown.

Former County Councillor Bea Roberts

Bea Roberts was the Councillor for Taunton Fairwater 1985 – 1997. Bea sat on the Personnel Committee, Economic Development Sub Committee, and Social Services Committee and Chaired the Education Committee.

Cllr Frances Nicholson and Cllr Bill Revans paid their tributes to Bea Roberts.

Somerset County Council Chief Executive Introduction

The Chair of Council introduced Duncan Sharkey as the new Chief Executive of Somerset County Council and the future Somerset Council.

Duncan Sharkey addressed the Council thanking members for the opportunity to be both Chief Executive of Somerset County Council and the future Somerset Council.

Director Of Children’s Services

The Chair of Council paid tribute to and thanked the outgoing Director of Children’s Services, Julian Wooster, for his leadership and guidance throughout his time at Somerset County Council.

The outgoing Director of Children’s Services, Julian Wooster, reflected on his time at the Council and thanked the Members and the Children’s Services team for their engagement, support and commitment throughout his tenure.

30 **Apologies for Absence** - Agenda Item 1

Apologies were received from Cllr S Aujla, Cllr L Baker, Cllr M Caswell, Cllr N Clark, Cllr B Clarke, Cllr A Boyden, Cllr S Collins, Cllr P Ham, Cllr P Ham, Cllr S Hart, Cllr A Hendry, Cllr R Henley, Cllr M Hewitson, Cllr J Kenton, Cllr M Lewis, Cllr H Prior-Sankey, Cllr F Purbrick, Cllr L Redman, Cllr D Rodrigues, Cllr P Seib, Cllr C Sully, Cllr A Wiltshire

Virtual attendance: Cllr J Baker, Cllr S Carswell, Cllr A Dingwall, Cllr M Dunk, Cllr H Kay, Cllr M Lovell

31 **Declarations of Interest** - Agenda Item 2

The Chair reminded the meeting that details of all Members’ interests in District, Town and Parish Councils could be viewed on the Council’s Website and there was no need for members to individually declare these personal interests in those other councils at the meeting.

32 **Public Question Time** - Agenda Item 3

There were public questions received from:

Mike Ginger – Taunton Area Cycling Campaign (petition)
Alan Sawyer – Taunton Community Governance Review
Tessa Dean – Taunton Community Governance Review
Mike Batsch – Taunton Community Governance Review
Tony Smith – Taunton Community Governance Review
Jason Woollacott – Taunton Community Governance Review
Carolyn Warburton – Taunton Community Governance Review

The questions and responses provided are attached to these minutes in Appendix A. In the absence of Tony Smith and Carolyn Warburton, the questions were read out by the Deputy Monitoring Officer, Honor Clark, on their behalf.

The Leader of the Council, Cllr Bill Revans, thanked all speakers for attending the meeting and sharing their views and gave assurance that due regard to the representations would be considered as part of the proposals.

33 **Report of the Executive – Taunton Community Governance Review 2022** - Agenda Item 4

The Leader of the Council, Cllr Bill Revans introduced the item, thanking the cross-party Somerset West and Taunton Council Community Governance Working Group and all involved in the consultation of the Community Governance Review. Cllr Revans referenced: the concerns raised by Parish Council's affected by the proposals; and referred to the addendum and supporting information published following the recommendations that were agreed at a special Somerset West and Taunton Council (SWT) meeting on 29 September 2022.

The Deputy Monitoring Officer, Honor Clarke, advised Council that: legal advice received is confidential to Somerset County Council (the Council); that should Members wish to discuss the Kings Counsel's advice received by the Council it would be necessary to pass a resolution to exclude the press and public; that SWT had also received confidential legal advice and that Mr Kevin Williams, Deputy Monitoring Officer at SWT was present today and was in a position to detail the advice received by SWT in confidential session.

A debate was held regarding the availability of and requirement for confidential papers alongside the legal advice provided to Somerset County Council and Somerset West and Taunton Council.

Cllr Derek Perry added to the points raised by the Deputy Monitoring Officer, noting the confidentiality of the advice received in direct response to the intimated claim by a directly affected Parish Council.

Having been duly proposed and seconded, the Council proceeded to vote on a proposal to enter confidential session.

Exclusion of the Press and Public

The Council **RESOLVED** to pass a resolution under Schedule 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972.

The confidential session ended and the Council returned to public session

The Chair of Somerset West and Taunton Council Community Governance Working Group, and the deputy leader of Somerset West and Taunton, Cllr Derek Perry, presented the report highlighting: that Taunton is the only area in Somerset not to have a Parish or Town Council to represent its residents; that the undertaking of a Community Governance Review for unparished areas was set out in the Unitary Council Business Case; the specific guidance to ensure that boundaries reflect modern updated geography and associated work to establish a town council which reflects those boundaries; and that the recommendations before Council have been produced following a review which started in November 2021 and following two phases of public consultation.

At the Chair's invitation, Cllr Sarah Wakefield, the Deputy Chair of the Somerset West and Taunton Council Community Governance Working Group, addressed the Council. Cllr Wakefield highlighted: the attention to detail shown by the Working Group; the interest and role of affected Parish Councillors; and the formation of a Shadow Town Council.

The County Council discussed the proposals, and the following points were raised: rurality as a protected characteristic; the inclusion of the urbanised or to be urbanised area of the geography; the tireless work of Parish councillors and local communities; the new Town Council's budget; the opportunity to improve both central Taunton and the surrounding area; and the legal process followed to reach this point.

The Chair adjourned the meeting from 12:30 – 12:40 pm.

Cllr Graham Oakes proposed the item should progress to a vote, this was seconded by Cllr Tony Lock, a vote followed and it was agreed by a majority that the Council should progress to a vote on the recommendations.

The Deputy Monitoring Officer explained that the Council would now vote on the recommendations in full as detailed in the published papers.

Having been proposed by Cllr Derek Perry and seconded by Cllr Sarah Wakefield, the Council **RESOLVED** to:

- 2.1 Confirm 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 (Somerset West and Taunton Council) 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 Note 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 Note 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 of the report, where reasonable and practicable on 1 April 2023.**
- 2.4 Adopt 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. 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.**

And the Council Resolved:

- 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 SWTC 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 the SWTC 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.**
- 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 Agree 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 Note 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.

34 **Report of the Constitution and Governance Committee - Agenda Item 5**

The Chair of the Constitution and Governance Committee, Cllr Theo Butt Philip, thanked all involved for their work on the report and proposal and presented the report and its recommendations to extend of the Council's current policy of enhanced DBS (Disclosure and Barring Service) checks as a requirement for all members of the Council.

The County Council discussed the proposals, and the following points were raised: the threshold and restrictions upon individuals who can stand for election.

Having been duly proposed and seconded, the Council proceeded to vote on a proposed amendment to remove the wording from recommendation a. : 'All Executive Lead Members; Associate Lead Members; members of the Adults & Health and Children & Families Scrutiny Committees; members of the Adoption and Foster Panels; members of the Corporate Parents Board; and Members appointed to Panels or working groups relating to education or adult social care services'. The amendment was agreed unanimously.

Having been proposed, as amended, by Cllr Theo Butt Philip and seconded by Cllr Tessa Munt, the Council **RESOLVED:**

- a. That the existing DBS policy for Councillors be extended to provide an extension of the current mandatory requirement to have Enhanced DBS checks without barred list checks to all Members of the Council and co-opted members;
- b. That all DBS checks required above will be carried out by the Council immediately following each Council election to ensure that such checks are renewed halfway through this election period, approximately May 2025. This is relevant as DBS checks are effectively only valid on the day they are issued and this current election period is unusually long;
- c. That the Monitoring Officer maintains a register of approved applications.

36 **Report of the Health and Wellbeing Board – Proposed future Health and Wellbeing Board & Integrated Care Partnership Arrangements - Agenda Item 6**

The Chair of the Health and Well Being Board, Cllr Bill Revans, thanked all involved for the work on the proposals and presented the report highlighting: the reorganisation requirement; opportunities for enhanced partnership working; reducing duplication; working to achieve longer-term solutions to health and social care by delivering and developing one strategic approach to health; and the increased membership of the board to include a change in quorum arrangements.

The County Council discussed the proposals, and the following points were raised: the benefits of aligning health and wellbeing working practice; consideration by the Integrated Care Board; and adherence with LGA best practice.

Having been proposed by Cllr Bill Revans and seconded by Cllr Adam Dance, the Council **RESOLVED** to:

- **Consider the proposals and approve the approach to align the Health and Wellbeing Board and the ICP (Integrated Care Partnerships) and approved the direction of travel to develop the Somerset Board from April 2023.**
- **Approve the transition arrangements for the period October 2022 – March 2023, including the appointment to the Board of additional members and revised quorum arrangements.**
- **Approve the Draft Terms of Reference for the transitional period October 2022 – March 2023.**

36 **Report of the Appointments Committee and Monitoring Officer** - Agenda Item 7

The Deputy Leader and Lead Member for Finance and Human Resources, Cllr Liz Leyshon, introduced the report, thanking fellow members and officers for their involvement. Cllr Leyshon highlighted the recommendation of the Appointments Committee to appoint internal candidate Claire Winter as the acting Director of Children's Services.

Having been proposed by Cllr Liz Leyshon and seconded jointly by Cllr Tessa Munt and Cllr Frances Nicholson, the Council **RESOLVED** to:

1. **Accept the recommendation of the Appointments Committee to appoint Mrs Claire Winter as the Acting Director of Children's Services from 1st November 2022.**

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- 2. Appoint on a spot salary for the post of £140,000 with all other terms and conditions remaining the same as current.**

CHAIR