

# 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, in accordance with section 100 of the 2007 Act, have 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 1<sup>st</sup> April 2023.

(3) Article (*insert number of article amending the electoral arrangements of continuing parish councils*) shall come into force on the ordinary day of election of councillors in 2027.

(4) For the purposes of:

- (a) this article;
- (b) article (*insert number of article setting the budget requirement of Taunton Parish Council*);
- (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 (*insert number of article establishing Taunton Parish*);

'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 blue line on the map, 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 shall cease to be parts of the existing parishes shown:

- (a) The area outlined with a (*insert colour*) line on the map shall cease to be part of the existing parish of Bishops Hull;
- (b) The area outlined with a (*insert colour*) line on the map shall cease to be part of the existing parish of Cheddon Fitzpaine;
- (c) The area outlined with a (*insert colour*) line on the map shall cease to be part of the existing parish of Comeytrowe;
- (d) The area outlined with a (*insert colour*) 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*) line on the map shall cease to be part of the existing parish of Staplegrove;

- (f) The area outlined with a *(insert colour)* line on the map shall cease to be part of the existing parish of Trull;
- (g) The area outlined with a *(insert colour)* line on the map shall cease to be part of the existing parish of West Monkton.

### **Transfer of areas between existing parishes**

- 5. *(insert article setting out details of other boundary changes between parishes other than Taunton)*

### **Abolition of parishes**

- 6. *(insert article abolishing the parishes of Comeytrowe and Staplegrove, and dissolving their respective parish councils).*

### **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 the sum of £ *(insert budget requirement for Taunton Parish Council 2023/24)*.

### **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 'The Parish Council of Taunton'.

### **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.

### **Wards of the parish of Taunton and numbers of parish councillors**

- 10. (1) The parish of Taunton shall be divided into *(insert number of wards from final recommendations)* wards which shall be named as set out in column (1) of Schedule number *(insert relevant schedule number)*.  
(2) Each ward shall comprise the area designated on the map by reference to the name of the ward and demarcated by orange 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 *(insert relevant schedule number)*.

### **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.

### **Alteration of parish areas and the areas of parish wards**

- 12. Each area coloured and designated by a letter on the map and specified in column (1) of Schedule number *(insert relevant schedule number)* 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.

### **Electoral arrangements of Cheddon Fitzpaine Parish and Trull Parish**

13. *(Insert article setting out changes to the electoral arrangements of Cheddon Fitzpaine and Trull Parish Councils (unwarded and reduction in number of councillors))*

### **Electoral register**

14. The registration officer for the district shall 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 property, rights and liabilities**

15. The land, property, rights and liabilities described in column (1) of Schedules *(insert relevant schedule numbers)* shall transfer from the principal council or parish council specified in relation to that land, property, right or liability in column (2) of the Schedule to the parish council specified in relation to that land, property, right or liability in column (3) of the Schedule on the date specified in column (4) of the Schedule.

### **Charter Trustees of the Town of Taunton**

16. (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 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 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 parish council or as the case may be the parish council's responsible financial officer.

### **Transitional provision**

17. 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 the elected councillors for *(insert agreed persons to serve as temporary parish councillors – e.g. elected members for relevant SCC divisions, Charter Trustees, nominees of Staplegrove, Comeytrowe and Cheddon Fitzpaine Parish Councils?)*

### **Order date**

18. 1<sup>st</sup> 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]*

# SCHEDULE [1]

Article [number]

## 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 &amp; Holway</i>	<i>The district ward of Blackbrook &amp; Holway</i>	2
<i>Comeytrowe</i>	<i>As indicated on map</i>	2
<i>Halcon &amp; Lane</i>	<i>As indicated on map</i>	2
<i>Maidenbrook</i>	<i>As indicated on map</i>	1
<i>Manor &amp; Tangier</i>	<i>As indicated on map</i>	1
<i>North Town</i>	<i>The district ward of North Town</i>	1
	<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 &amp; Rowbarton</i>	<i>The district ward of Wellsprings &amp; Rowbarton</i>	2
<i>Wilton &amp; Sherford</i>	<i>As indicated on map</i>	1

## SCHEDULE [2]

Article [number]

### ALTERATION OF AREAS OF PARISHES AND PARISH WARDS

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)
Area (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 &amp; Lane</i>
'O'	<i>Cheddon Fitzpaine</i>	<i>Maidenbrook</i>	<i>West Monkton</i>	<i>Not applicable</i>

# SCHEDULE [3]

Article [number]

## MEMORANDUM of UNDERSTANDING RELATING TO LAND, PROPERTY AND SERVICES TO BE TRANSFERRED

As a matter of law and fact allotments and regalia will transfer automatically 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 subject to its establishment from 1<sup>st</sup> April 2023. These assets will automatically transfer to the new Unitary Council on 1<sup>st</sup> 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.

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.

Column (1)	Column (2)	Column (3)	Column (4)
Land and property to be transferred	To be transferred from	To be transferred to	Date
<i>To insert</i>	<i>To insert</i>	<i>To insert</i>	<i>To insert</i>

- b) In the event that the Executive of the County Council do not agree in principle such transfers prior to the of the Re-organisation Order being made, then the position will be as follows: The sole assets to be transferred shall be the



regalia and allotments. Such further transfers that may take place will be a matter for the relevant bodies.

## SCHEDULE [4]

Article [number]

### 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
<i>To insert</i>	<i>To insert</i>	<i>To insert</i>	<i>To insert</i>

## SCHEDULE [5]

Article [number]

### [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</i>	<i>To insert</i>	<i>To insert</i>	<i>To insert</i>

## SCHEDULE [6]

Article [number]

### 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
<i>To insert</i>	<i>To insert</i>	<i>To insert</i>	<i>To insert</i>

# SCHEDULE [7]

Article [number]

## 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
<i>To insert</i>	<i>To insert</i>	<i>To insert</i>	<i>To insert</i>

### EXPLANATORY NOTE

*(This note is not part of the Order)*

*This Order gives effect to recommendations made by [name of principal council] for [the new parish of [name], created][the alteration of the area of the parish of [name]][the abolition of the parish of [name]][the creation of a council for the parish of [name]][the dissolution of the council for the parish of [name]] [the parish of [name] to be grouped under a common parish council with the parishes of [names]][the parish of [name] to be separated from the group of parishes under a common parish council][the common parish council for the parishes of [names] to be dissolved] within the [borough][city][county][district][London borough] of [name of principal area].*

*The parish of [name] will be [created][altered][abolished] with effect from 1 April [year]. The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in [year].*

*Article [insert article number] provides for parish elections in the parish of [name] in [year], and then to continue according to the established system of parish elections every four years.*

*Article [insert article number] specifies the numbers of parish councillors for the new parish of [name].*

*Article [insert article number] and the map establish the names and areas of the wards of the new parish of [name] and the numbers of councillors for each ward.*

*Article [insert article number] 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 wards of the parish of [name]. It is available, at all reasonable times, at the offices of [name of principal council].*