

SOMERSET WEST AND TAUNTON COUNCIL

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

COMMUNITY GOVERNANCE REVIEW OF TAUNTON AND SURROUNDING PARISHES

TERMS OF REFERENCE

1. INTRODUCTION

- 1.1 Somerset West and Taunton Council ('the Council') has resolved to undertake a community governance review ('the review') of the unparished area of Taunton and the surrounding parish areas of Trull, Bishop's Hull, Comeytrowe, Norton Fitzwarren, Staplegrove, Kingston St. Mary, Cheddon Fitzpaine and West Monkton with a view to the creation of a parish or parishes and council(s) to serve all or part of that area.
- 1.2 The review will consider whether any changes should be made to existing community governance arrangements within the area under review, including whether any new parish(es) should be created and whether any new parish/town council for Taunton should cover only some or all of the currently unparished area or should extend to include also to take in urban areas of one or more adjoining parishes; and the electoral arrangements for the existing and any proposed parish/town council(s).
- 1.3 In undertaking this review the Council will have regard to the Guidance on Community Governance Reviews issued in March 2010 by the Secretary of State for Communities and Local Government and will comply with Part 4 of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') as amended, the relevant parts of the Local Government Act 1972 and regulations issued under those acts.
- 1.4 These terms of reference set out information including the reasons for the review, its projected process and timescale, the matters that it will address and principles that the Council considers should guide the review. The terms of reference will be published on the Council's website and in hard copy and will be made available at the Council offices and at other venues within the area under review.
- 1.5 Town and parish councils¹ are the most local tier of government in England. They are democratically elected and can play an important role in

¹ **Note re: terminology:** A principal (i.e. unitary or district) council may following a community governance review create, abolish, or alter the area of, any parish within its area and may establish a

representing their local community, delivering services to meet local needs and promoting community wellbeing. They are a statutory consultee on planning applications. They may exercise a variety of powers and duties including the delivery of some local services and may also enter into discussions with the principal councils (i.e. Somerset West and Taunton Council and the proposed unitary authority) about the transfer of services, budgets and assets subject to mutual agreement. Town and parish councils are funded principally through an annual precept – an additional amount added to the Council Tax in their area.

Reasons for the review

- 1.6 The Council is undertaking the review as it is a key corporate priority for the 21/22 municipal year. A resolution was made by Taunton Deane Borough Council on 19th March 2018, that a Community Governance Review (CGR) of the unparished area of Taunton is commenced with a view to creating a new Town or Parish Council(s) from 1st April 2023, and this was re-affirmed by Somerset West and Taunton Council on 30th March 2021.
- 1.7 On 19 October 2021 the Council resolved that the area to be covered by the review should include eight surrounding parishes as well as the unparished area.
- 1.8 The currently unparished area of Taunton is the only unparished area within Somerset. Any new town or parish Council could play a full and proper part, alongside town and parish councils representing all other areas in Somerset, in negotiations with the proposed Unitary Authority on any devolution framework plans.
- 1.9 Town or parish councils may promote community engagement and effective local government. Government guidance states that it is good practice for principal councils to conduct a community governance review every 10-15 years, except in areas with very low populations.

Community governance reviews

- 1.10 A community governance review is a review of the whole or part of a principal council's area to consider one or more of the following:
 - Creating, merging, altering or abolishing parishes;
 - The naming of parishes and the style of new parishes;
 - Whether a town or parish council should be established for a new parish area;
 - The electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to the council, and any parish warding); and/or

parish council to serve a newly-created parish. A parish council serving an urban area may resolve to be called a town council. There is no difference between a parish council and a town council in terms of powers or duties.

- Grouping parishes under a common parish council or de-grouping parishes.
- 1.11 In accordance with the 2007 Act the Council will have regard to the need to secure community governance within the area under review which:-
- Is reflective of the identities and interests of the community in that area;
 - Provides for effective and convenient local government; and
 - Takes into account any other arrangements for the purposes of community representation or community engagement in the area.
- 1.12 In accordance with Government guidance, when considering the above criteria the Council will also take into account the impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish; and will seek to make recommendations that bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.

Responsibility for the review

- 1.13 As the relevant principal council, Somerset West and Taunton Council is responsible for conducting any community governance review within its electoral area and for deciding whether to give effect to the recommendations of the review.
- 1.14 In accordance with regulations issued under the Local Government Act 2000, functions relating to Community Governance Reviews are not to be the responsibility of an authority's executive.
- 1.13 The management of the review will be the responsibility of officers in the Governance team led by the Governance Manager and Deputy Monitoring Officer. The review will be overseen by the Community Governance Review Working Group. The Council itself will agree the final recommendations and make any Reorganisation of Community Governance Order required to implement the outcome of the review.

2. CONSULTATION

- 2.1 In coming to its recommendations in the review, the Council will take account of the views of local people and stakeholders. Legislation requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review, and to take the representations that are received into account by judging them against the criteria in the 2007 Act.
- 2.2 In order to promote community engagement and transparency in the community governance review, the Council will:-
- Publish these terms of reference;

- Publicise the review as widely as possible including using electronic means and social media and seek to engage the local media in reporting the issues under review;
- Consult local electors and other residents, business organisations, community groups, other local organisations, political parties and elected representatives for the areas under review, the Taunton Charter Trustees, Somerset County Council and the parish councils in the area under review;
- Make key documents available at the Council offices and at other venues in the areas under review;
- Accept submissions by post or via e-mail or the Council's website;
- Take into account representations received in connection with the review; and
- Publicise the recommendations and outcome of the review.

2.3 The Council will consider each matter under review on its merits and on the basis of the information and evidence provided during the course of the review.

3. THE TIMETABLE FOR THE REVIEW

3.1 Publication of these terms of reference formally begins the review. The Council proposes to complete the review within twelve months, with a view to any changes to community governance arrangements in the area under review taking effect from 1 April 2023. An indicative timetable is attached at Appendix B.

4. THE AREA TO BE COVERED BY THE REVIEW

4.1 The review will cover the currently unparished area of Taunton and the surrounding parish areas of Trull, Bishop's Hull, Comeytrove, Norton Fitzwarren, Staplegrove, Kingston St. Mary, Cheddon Fitzpaine and West Monkton.

4.2 The plan attached at Appendix A shows the area under review including the existing parish and district ward boundaries within that area.

5. ISSUES FOR CONSIDERATION IN THE REVIEW

Parish areas and town or parish councils

5.1 The review will consider whether any changes should be made to the community governance (parish) arrangements within the area under review , including:-

- whether or not a new parish or parishes should be created in areas that are currently unparished, or any other arrangements for some or all of those areas;

- in the event that a new parish or parishes are created, whether they should have a council or councils;
- whether any new parish/town council for Taunton should cover only some or all of the currently unparished area or should extend to include also to take in urban areas of one or more adjoining parishes; and
- 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.

5.2 In considering the above, the review will have regard to current and projected patterns of population, development, community identity and linkages in the area under review; to the viability of existing and any potential parish areas and the delivery of local services.

5.3 The 2007 Act provides that where a new parish is created which has 1,000 or more electors, the principal council must recommend that the parish has a council. Where a new parish is created that has between 151 and 999 electors the principal council may decide whether or not it should have a council.

5.4 In relation to previously unparished areas, the 2007 Act requires a principal council in undertaking a review to take into account other (non-parish) forms of community governance that have been, or could be, made for the purpose of community representation or engagement in the area under review. These might include community partnerships/forums, area committees, residents' and tenants' associations, neighbourhood management programmes or community associations. In accordance with Government guidance the review will consider whether such arrangements could be alternatives to, or stages towards, the establishment of town or parish councils. The Council notes however that the guidance also states '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 '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'.

Names and style of parishes

5.5 In the event that a new parish is proposed to be created, the review will make recommendations as to the name of the new parish and as to whether or not any council should be a parish council or have one of the alternative styles (community, neighbourhood or village). A council that is created as a parish council may decide that it shall have the status of a town council.

Electoral arrangements

5.6 The review will consider what electoral arrangements should apply to any new town or parish council that is created and whether any changes should be

made to the electoral arrangements of any existing parish council and/or the Taunton Charter Trustees. 'Electoral arrangements' means:-

- The ordinary year in which elections are held;
- The number of councillors to be elected to the council;
- The division (or not) of the parish into wards for the purpose of electing councillors;
- The number and boundaries of any such wards;
- The number of councillors to be elected for any such ward; and
- The name of any such ward.

5.7 In accordance with legislation², if the entire unparished area were to become parished, the Charter Trustees for Taunton would be dissolved and all their rights and responsibilities would be transferred to the new Council(s) on vesting day. Government guidance states that 'proposals to create a parish or parish council covering all or part of a charter trustee area need to be judged in particular against the following considerations:

- the effect on the historic cohesiveness of the area; and
- what are the other community interests in the area? Is there a demonstrable sense of community identity encompassing the charter trustee area? Are there smaller areas within it which have a demonstrable community identity and which would be viable as administrative units?'

5.8 In relation to the year of election, the ordinary election of parish councillors takes place in 2023 and at four-yearly intervals thereafter. However, a principal council may decide, following a community governance review, that the first elections to any new town or parish council shall take place in another year, with the councillors elected serving an adjusted term of office to bring future elections back into line with the normal cycle.

5.9 In relation to the number of town or parish councillors, legislation provides that the number of councillors for each council shall not be fewer than five. There is no maximum number. Government guidance is that 'each area should be considered on its own merits, having regard to its population, geography and the pattern of communities'.

5.10 In relation to warding of a parish, the 2007 Act requires that in considering whether a parish should be divided into wards the Council should consider (i) whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and (ii) whether it is desirable that any area or areas of the parish should be separately represented on the council.

Electorate forecasts

5.11 When the Council comes to consider the electoral arrangements of the town or parish councils in its area, it is required to consider the number of local

² The Local Government (Parishes and Parish Councils) (England) Regulations 2008

government electors in the area under review, and any change in that number or the distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts.

- 5.12 Current electorate figures for each of the parishes and polling districts in both the parished and unparished parts of the area under review will be published as soon as possible after the launch of the review.
- 5.13 Electorate forecasts for October 2026, taking into account information on developments underway or planned based on extant planning permissions and the local development framework, will also be published to inform the consultation process as early as possible during the review.
- 5.14 In accordance with legislation, population estimates will be used to apportion assets where significant changes, including the creation of new parishes, are recommended.

Service provision and council tax precept

- 5.15 As part of the consultation process the Council will outline the services that could be provided by town or parish councils and/or any assets or liabilities that it may intend to transfer to them.
- 5.16 The Council will make available information on the Band D council tax precepts currently payable by council tax payers in the parishes in the area under review, in the area served by the Taunton Charter Trustees and in town and parish council areas elsewhere in the principal council's area; together with the estimated level of precept may be payable by council tax payers in the first year of any new town or parish council's existence.

Other matters

- 5.17 The review will consider any other issues raised during the consultation process which are relevant to the review.
- 5.18 In the event that the review recommends the creation of any new council(s), the review will also consider what preparatory and transitional arrangements should apply to the establishment of that council or councils.

6. PRINCIPLES THAT WILL GUIDE THE REVIEW

Parishes

- 6.1 There is an evidence base which demonstrates that town or parish councils can play an important role in empowering and representing communities.
- 6.2 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'.

- 6.3 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.
- 6.4 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.
- 6.5 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.

Boundaries

- 6.6 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.

Names

- 6.7 With regard to the names of any town or parish councils or town wards established, the Council believes that these should reflect existing local or historic place names and there will be a presumption in favour of names proposed by local interested parties.

The number of town or parish councillors

- 6.8 When considering the number of councillors to be elected for any town or parish council, in addition to applying the statutory rules described above, the Council will have regard to:-
- the recommended guidance issued by the National Association of Local Councils (NALC) and indicative national data on representation;
 - 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; and
 - the desirability of a broadly equitable allocation of councillors to town and parish councils across Somerset West and Taunton, whilst acknowledging that local circumstances may merit variation.

Warding

- 6.9 The Council will give careful consideration both to traditional community identities and to any changes that have happened over time, for example population movements or new development, that may have led to a different community identity in any part of the area under review.
- 6.10 The Council notes Government guidance that ‘there is likely to be a stronger case for the warding of urban parishes ... [where] ... community identity tends to focus on a locality ... [and] ... each locality is likely to have its own sense of identity’. The Council will seek to secure that any warding arrangements should have relevance for the electorate, be in the interests of effective and convenient local government and not be wasteful of a town or parish council’s resources.
- 6.11 In reaching conclusions on the boundaries between any wards, the Council will have regard to community identity and interests and will consider whether any particular ties or linkages might be broken by the drawing of particular ward boundaries. The Council will also have regard to guidance by the Local Government Boundary Commission for England (LGBCE) that the principal council ward boundaries should not split an unwarded parish and that no parish ward should be split by such a boundary.
- 6.12 When deciding the number of councillors to be elected for any ward, the Council will take into account the view of the LGBCE that it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant differences in levels of representation.

7. COMPLETION OF THE REVIEW AND IMPLEMENTATION OF ANY DECISIONS

- 7.1 The review will be completed when the Council publishes its final recommendations. The Council will take steps to inform interested parties of the recommendations and outcome of the review. In accordance with Government guidance the Council will issue maps to illustrate each recommendation at a scale not smaller than 1:10,000.
- 7.2 If the review results in any changes to community governance, at the conclusion of the review the Council will make a Reorganisation of Community Governance Order. Copies of this order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for the Council’s decisions (including where it has decided to make no change following the review) will be deposited at the Council’s offices, published on its website, and provided to the clerk of any council affected.
- 7.3 In accordance with legislation, copies of any order and associated maps will be deposited with the Secretary of State and the LGBCE. Prints of the maps will also be supplied to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency and the Boundary Commission for England.

7.4 Subject to the final recommendations of the review, the provisions of any order will take effect for financial and administrative purposes no later than 1 April following the adoption of the order. Any revised electoral arrangements for a new or existing town or parish council will come into effect in accordance with the provisions of any Reorganisation Order.

8. CONSEQUENTIAL MATTERS

8.1 A Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order. These may include the transfer and management or custody of property, the setting of precepts for new parishes, provision with respect to the transfer of any functions, property, rights and liabilities and/or provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.

8.2 In these matters, the Council will be guided by the relevant regulations issued following the 2007 Act. In particular, the Council notes that the regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the proper officer of the Council as an appropriate proportion.

8.3 In relation to the establishment of a precept for any new town or parish council, the Council will comply with the requirements of the Local Government Finance (New Parishes) Regulations 2008, which provide that the principal council sets the precept for the new parish/town council for their first year, and requires the Reorganisation Order to include the budget requirement for the first year of the parish/town council.

Principal area boundaries

8.4 Any changes to parish or parish ward boundaries as a result of this review will not automatically change the corresponding principal council ward or division boundaries.

8.5 In the event of a Reorganisation Order making such a change the Council may recommend the LGBCE that the principal council ward/division boundaries are realigned to coincide with the revised parish or parish ward boundaries and it would be for the LGBCE to decide if and when these related alterations should be made.

8.6 The LGBCE would require evidence that the Council has consulted on the recommendations as part of the review. The Council will therefore seek to include any such draft recommendations for consultation at the earliest possible opportunity should they appear desirable.

Date of publication of these terms of reference: 9th November 2021

Date of amendment to these terms of reference: 23rd February 2022

Contact details for the review

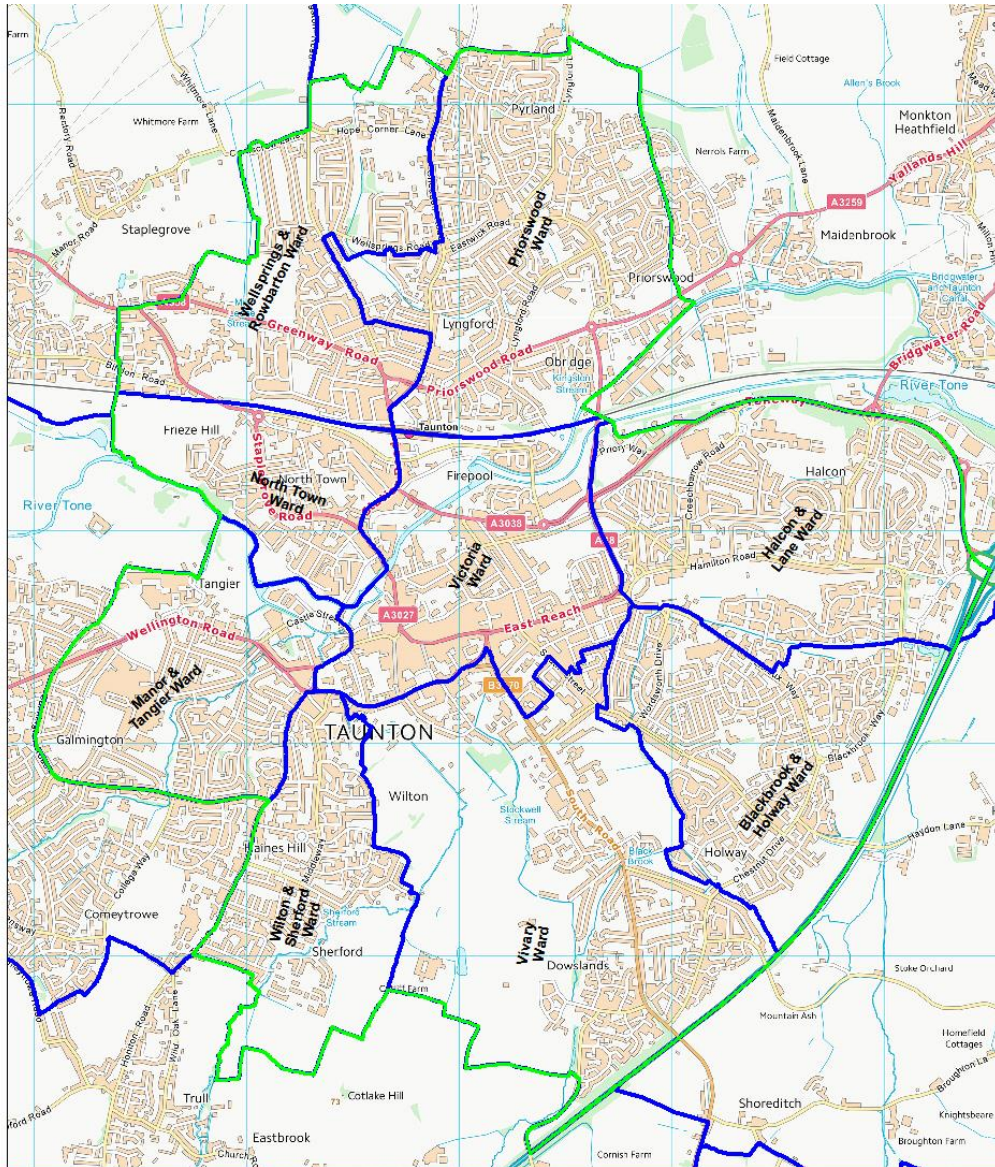
Enquiries regarding the review process and/or comments on the matters set out in these terms of reference should be directed to:

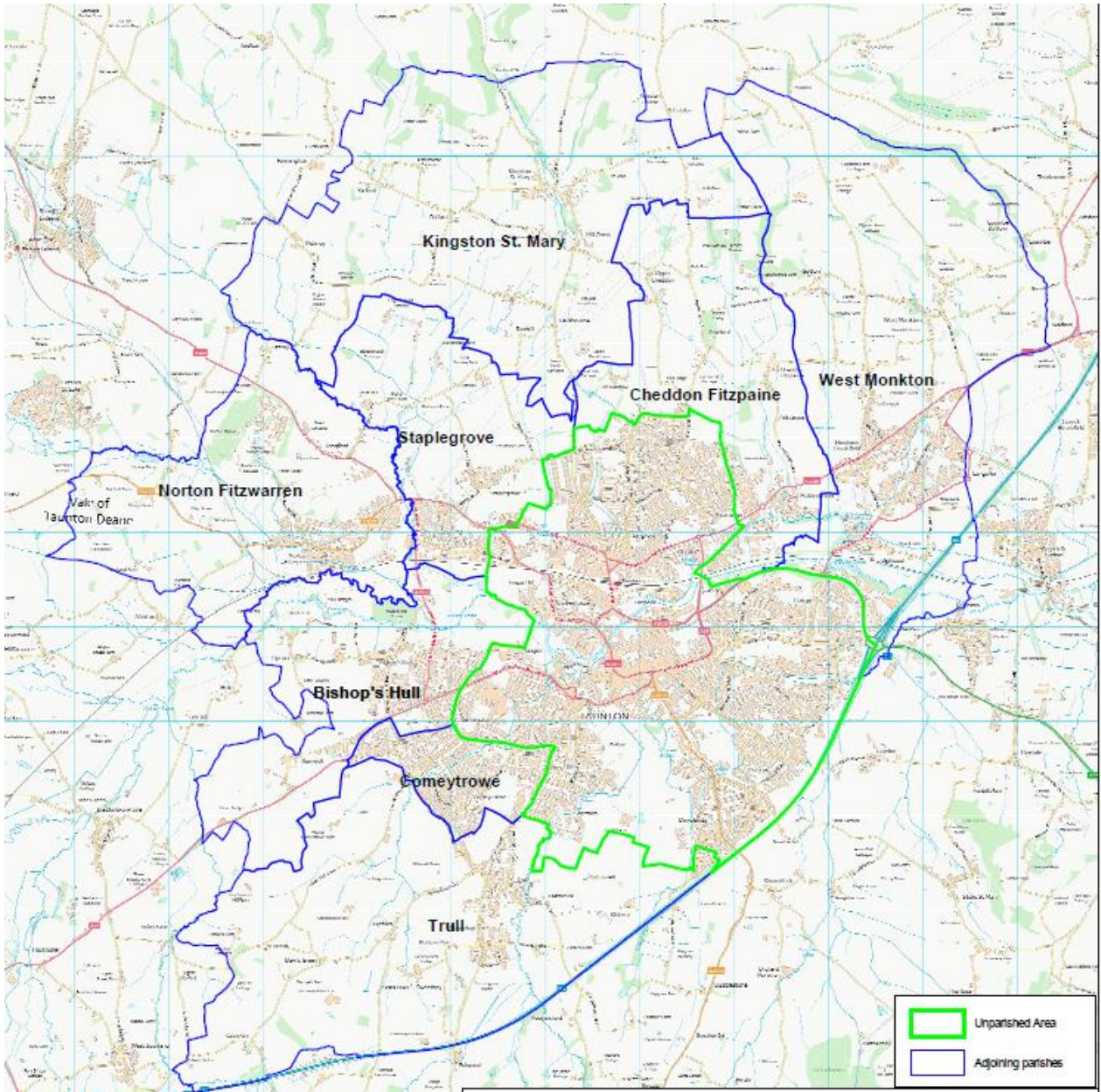
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APPENDIX A

The two maps below shows the existing Unparished Area Boundaries together with the Somerset West and Taunton Council Wards (revised with effect from May 2019) and the eight surrounding parishes included in the scope of the review area.





APPENDIX B

Community Governance Review for the Unparished Area of Taunton

Revised Indicative Timetable: Option 2C

Timetable for the Review

Report to Council	30 March 2021 (was presented to the Charter Trustees on 16 March 2021)	Council gave approval to set up the Member Working Group to commence the process
Scope of CGR Agreed.	Full Council 19 October 2021	Full Council decided to proceed with an Option 2C. Authority delegated to the Chief Executive Officer and Monitoring Officer or Deputy to approve ToR, after consultation with the Community Governance Review Working Group and the Leader of the Council for later publication.
Publish Terms of Reference (12 month clock starts)	12 November 2021	Publish as a delegated Officer Decision on the Council website as per the Council resolution of 19 th October 2021. The ToR will set out: <ul style="list-style-type: none"> • the matters to be considered; • the geographic area to be covered; • Notification of other local authorities which have an • Interest.
Draft Indicative Timetable for Consultation.	Publish on Council website prior to 17 November 2021	Member Working Group to finalise draft indicative timetable for a two stage consultation to be sent to All Councillors (alongside TOR and Consultation text) and in line with Council delegation.

<p>Commence Stage 1 Consultation on draft proposals and invite initial submissions</p>	<p>17th November 2021 - 12th January 2022 (8 weeks long - to give extra time in account of Xmas)</p>	<p>Submissions/representations invited. Consult with: Local government electors and other residents in the area under review SWT and County Councillors Somerset County Council Parish Councils in the Area under Review Somerset Association of Local Councils Member of Parliament Local Groups and Interested parties such as local businesses, local residents association, local public and voluntary organisations Publish proposals on the website and make available in hard copy on request</p>
<p>Consider submissions and draft revised option proposals</p>	<p>January/February 2022</p>	<p>Consider any submissions/ representations and prepare report of final options for Council. Member Working Group to agree final proposals based on analysis of submissions.</p>
<p>Decide upon preferred option for proceeding with CGR, if appropriate</p>	<p>Special Full Council 3 March 2022</p>	<p>Decide upon preferred option which will then go out for Consultation Stage 2.</p>

Commence Stage 2 Consultation on Preferred option and invite submissions	June 2022 – July 2022 (6 weeks)	Consultation Stage 2 to be undertaken.
Consider submissions and draft revised final recommendations, if appropriate	August 2022	Consider any submissions/ representations and prepare report of final recommendations for Council. Member Working Group to agree report to Full Council in August 2022 including final recommendations and draft Reorganisation Order (if applicable)
Publish final recommendations	September 2022 as part of FC report or earlier if possible	Publish final recommendations
Publish final recommendations	Full Council 6th September 2022	Full Council to agree final recommendations and consider any draft re-organisation order and its approval process which gives effect to the recommendations of the review (subject to the Statutory transitional arrangements and decision making framework therein.)
Make Reorganisation Order	October 2022	Reorganisation Order to be sealed once approval received.

		Budget completed by this point - precept can not be higher than as stated in re-organisation order.
Option to appoint Steering Group or create Shadow Council (in temporary format until Vesting Day).	Date TBC in the run-up to 1 April 2023	<p>Re-organisation order could appoint local elected Councillors representing the area to serve in a temporary capacity until the new local Council vests on 1 April 2023. The Full Council in its re-organisation order can decide who would be appointed to such a body.</p> <p>Laying the groundwork for the new Local Council including:</p> <ul style="list-style-type: none"> • Finding premises for the local council to meet • Creating a website for the new Council • Setting a Budget and Precept • Securing staff resource • Vesting and Statutory Asset Transfer of Allotments and Civic Regalia etc. • Drafting constitutional documents
Create Shadow Council	1 April 2023	Appoint temporary Councillors to serve from 1.4.23 to the first elections.
Elections to new Local Council	May 2023	