

**SWT Special Full Council
Addendum**

**Thursday, 29th September, 2022,
6.15 pm**

**Somerset West
and Taunton**

**The John Meikle Room - The Deane
House**

Addendum

**9. Community Governance Review of the unparished area
of Taunton and eight neighbouring parishes – report on
second stage consultation and final recommendations**

(Pages 3 - 30)

This matter is the responsibility of the Community
Governance Review Working Group.

This report sets out the responses received during the
second stage consultation and proposes final
recommendations for adoption as the outcome of the review.



**ANDREW PRITCHARD
CHIEF EXECUTIVE**

Addendum – Council – 29/09/2022 - Community governance review of the unparished area of Taunton and eight neighbouring parishes – report on second stage consultation and final recommendations

Introduction

This addendum report presents updated and additional information in relation to the matters set out in the above report to the Full Council meeting on 29 September 2022.

Map showing the proposed changes to parish boundaries

A plan illustrating the proposed changes to parish and parish ward boundaries that would result from implementation of the final recommendations of the community governance review was circulated at Appendix B to the Council report.

An updated copy of this plan, showing each of the areas proposed for transfer from one parish (or the unparished area) to another more clearly and aligned with the text of the draft Reorganisation Order has now been prepared and is attached to this addendum report.

Revised recommendation 2.4 A (xi)

In order to clarify and more fully describe the outcome of the Working Group's deliberations in relation to the boundary between the proposed new Taunton Parish and Bishop's Hull, Recommendation 2.4 A (xi) is amended to read as follows (additional wording in italics):

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.

Warding of the proposed Taunton Parish

Section 9.19 of the report includes a table recommending the warding arrangements for the proposed new Taunton Parish/Town Council. Appendix D is a map illustrating those proposed warding arrangements.

Since the publication of the report the Working Group has given further consideration to the detail of the boundary between the proposed Lyngford and Obridge wards in order to achieve greater electoral equality. For clarity it is also proposed to describe the proposed area of two of the other wards slightly more fully.

Pursuant to this and the previous item, the entries in the table at section 9.19 for five proposed wards are amended as follows:

| | | | |
|------------------------------------|--|-------|---|
| Lyngford | Part of existing Priorswood district ward as shown on the map at Appendix 'D' | 2508 | 1 |
| Manor & Tangier | Existing Manor & Tangier district ward plus the area around Longrow Meadow, currently in Bishops Hull Parish, and minus the small triangular residential area at the cross-section with Wellington Road (to Bishops Hull Parish) | 2,426 | 1 |
| Obridge | Part of existing Priorswood district ward as shown on the map at Appendix 'D' | 1377 | 1 |
| Pyrland | Part of existing Priorswood district ward plus a small area currently within Cheddon Fitzpaine Parish as shown on the map at Appendix 'D' | 2,698 | 1 |
| Wellsprings & Rowbarton | Existing Wellsprings & Rowbarton district ward plus a small area currently within Cheddon Fitzpaine Parish as shown on the map at Appendix 'D' | 4,418 | 2 |

A revised map to replace that circulated as Appendix D is attached to this addendum report.

The transfer of assets etc to a new Taunton Parish/Town Council

Recommendation 2.3 of the circulated report proposes 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 reasonably practicable on 1 April 2023.

Somerset County Council's Executive gave initial consideration to this matter on 21 September 2022. The Executive resolved as follows:

- 1) Endorsed and recommended the report and recommendations 2.1- 2.10 in the report of Somerset West and Taunton Council Community Governance Review Working Group to the Extraordinary meeting of the County Council on 5 October 2022.
- 2) Agreed in principle, subject to the County Council making the Order, to use 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.

Draft Reorganisation Order

The report circulated with the Council agenda includes, at Appendix A, a draft Reorganisation Order which the meeting is asked to recommend Somerset County Council to make to give effect to the final recommendations of the community governance review.

Pursuant to the above changes and updates, the text of the draft Reorganisation Order has been amended and additional information included. The revised version is attached. A number of matters of detail remain to be added and recommendation 2.5 in the report is therefore amended as follows:

- 2.5 That accordingly Somerset County Council be recommended to make a Reorganisation of Community Governance Order to give effect to the above recommendations based on the draft Order attached at Appendix 'A' and that the Monitoring Officer or Deputy Monitoring Officers be authorised to finalise the text of the draft Order to be submitted to Somerset County Council.

Cheddon Fitzpaine Parish Council

The Council has been notified of a possible legal challenge to the recommendations of the community governance review by Cheddon Fitzpaine Parish Council. Any further information received prior to the Council meeting will be notified to members at the meeting. In the meantime the following document is attached to this addendum report for Members' information:

- A chronology describing the powers and duties attaching to a principal council in conducting a community governance review and how these have been discharged in relation to the current review, both generally and in relation to any considerations and recommendations in respect of Cheddon Fitzpaine.

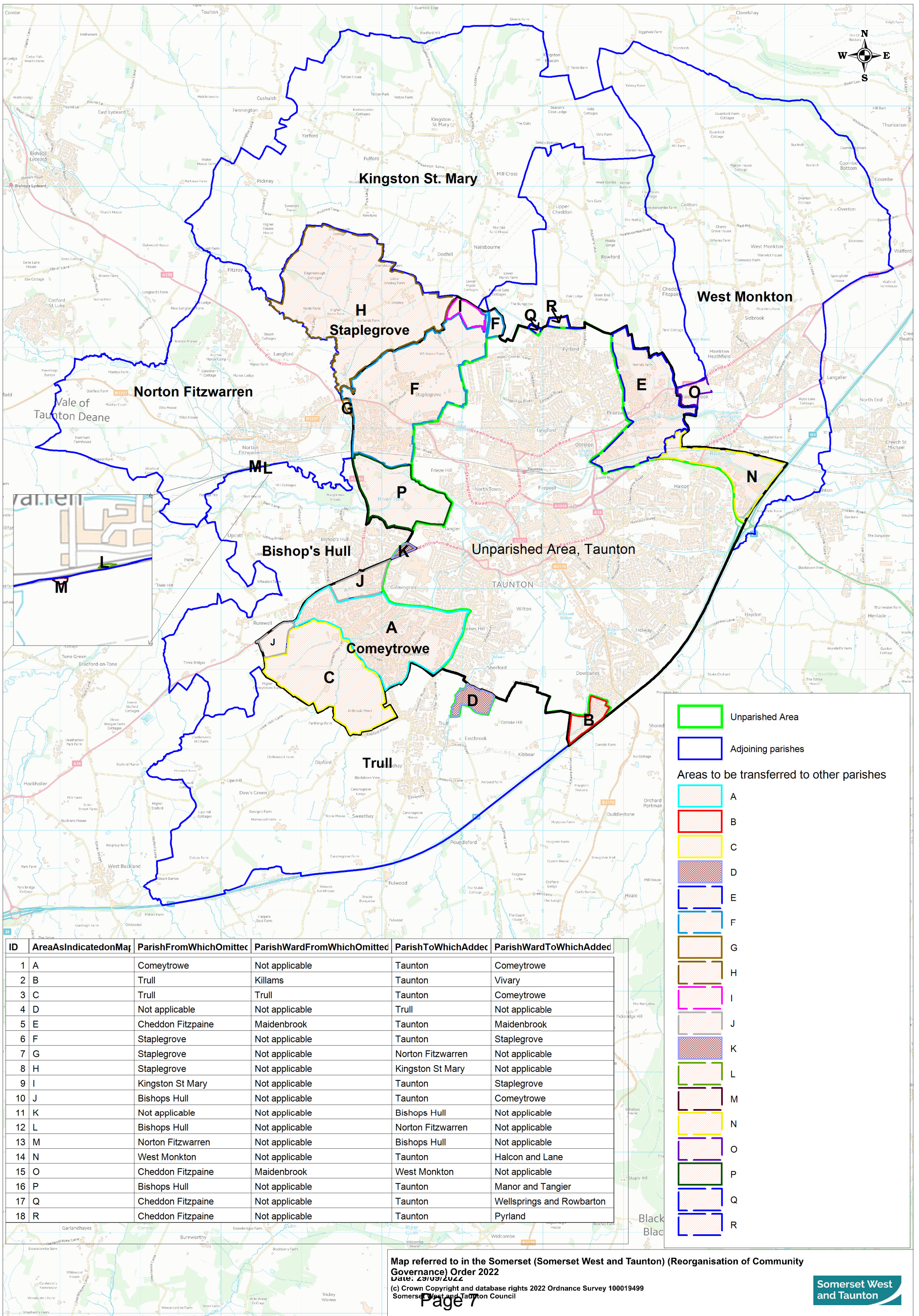
It is understood that one concern of Cheddon Fitzpaine Parish Council may relate to the continuing viability of that Parish Council on its reduced boundaries in the event that the final recommendations of the review are agreed. This is a matter that was considered by the Community Governance Review Working Group when formulating its recommendations. The Working Group considered carefully the implications of its proposal to amend the boundaries of Cheddon Fitzpaine Parish and was of the view that the Parish Council would continue to be viable following the change. The Working Group noted that the changes would result in Cheddon Fitzpaine being restored to the status of a rural parish as it had been prior to the development of the Maidenbrook area and its projected electorate would be more than twice the minimum figure of 150 set out in section 94(3) of the 2007 Act for a parish council to be created in a new parish.

Implementation phase

Section 13 and recommendation 2.6 of the report circulated with the Council agenda provide initial information regarding the steps necessary to create a new parish/town council for Taunton should the recommendations of the community governance review be agreed, and

propose the establishment of a Shadow Town Council to lead and oversee the work to establish the new council from 1 April 2023.

A more detailed paper has now been prepared describing the work programme and decision-making arrangements that would apply between the making of any Reorganisation Order and the vesting day of the proposed new council and this is attached to this addendum report.



| 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 | Not applicable | Taunton | Wellsprings and Rowbarton |
| 18 | R | Cheddon Fitzpaine | Not applicable | Taunton | Pyrland |

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"> - 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. - Any land and property held by the Charter Trustees for Taunton - Any interests in land used for allotments within the area of the new Taunton parish - 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. | | | |

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"> - All historical and ceremonial property held by the Charter Trustees for Taunton | | | |

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 Comeytrowe 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.

COMMUNITY GOVERNANCE REVIEW (CGR) OF THE UNPARISHED AREA OF TAUNTON AND EIGHT NEIGHBOURING PARISHES – CHRONOLOGY TO DATE

Note: Unless otherwise stated, legislative references below are to the Local Government and Public Involvement in Health Act 2007 and ‘Guidance’ means the ‘Guidance on community governance reviews’ issued by DCLG and the LGBCE in March 2010.

CONTEXT – GENERAL POWERS AND DUTIES

- General power of a principal council to undertake a CGR (s.82, Guidance paras 26-29); Power to decide how to undertake a CGR, subject to duties set out in s.93 (s.93(2), Guidance para 32); Power to decide and modify terms of reference (s.81(4), Guidance paras 19-23).
- Duty to conduct a CGR in accordance with the Act (s.79(2)(a)); Duty to conduct a CGR in accordance with the terms of reference (s.79(2)(b)); Duty to have regard to guidance issued by the Secretary of State and/or LGBCE (s.100).
- No part of the area under review is subject to ‘protected electoral arrangements’ as defined in s.86(6)

| SPECIFIC POWERS AND DUTIES (relevant to this review) | HOW THE POWER WAS EXERCISED OR THE DUTY DISCHARGED IN RELATION TO THIS CGR | INFORMATION SPECIFIC TO CHEDDON FITZPAINE PARISH |
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| Terms of reference (Guidance paras 19-23) | | |
| Duty for terms of reference to specify the area under review (s81(2)) | Section 4 of the terms of reference (ToR) published on 12.11.21 state the area that the review will cover. A plan was attached showing that area. | Cheddon Fitzpaine (CF) Parish is included in the area to be reviewed as set out in the ToR published on 12.11.21. |
| Duty to publish terms of reference as soon as practicable after deciding or modifying them (s.81(5-6)) | Somerset West and Taunton (SWT) Council (19.10.21) delegated authority to approve the ToR to the CEO and MO or Deputy, after consultation with the CGR Working Group (CGRWG) and Leader of the Council. The officer decision to approve the ToR was taken on 12.11.21 and the ToR were published the same day. | Cheddon Fitzpaine Parish Council (CFPC) was, alongside all other parish councils in the area under view and the Taunton Charter Trustees, notified of the CGR and terms of reference by email/letter on 15.11.21. |
| Duty to notify and supply ToR to the county council (if any) (s.79(3)) | Somerset County Council (SCC) was notified of the CGR and ToR by email/letter on 15.11.21 | |
| Consultation | | |
| Duty to consult local government electors for the area under review and other persons or bodies (including a local authority) which appear to the principal council to have an interest in the review (s.93(3), Guidance paras 34,38) | A first stage of public consultation ran from 17.11.21 to 12.01.22 inviting responses on whether a parish/town council(s) should be established for Taunton, what area it/they should cover; any changes to other parishes and related matters. SWT Council (03.03.22) agreed draft recommendations of the CGR and these were subject to a second stage of public consultation from 14.06.22 to 26.07.22. A wide range of channels was used to publicise each stage of consultation as listed at para 6.2 of the report to SWT Council (03.03.21) and para 6.5 of the report to SWT Council | CFPC was notified of the first stage consultation by email/letter on 15.11.21 and invited to respond. Members of the CGRWG and an officer attended a meeting of CFPC on 06.12.21 CFPC was notified of the second stage consultation by email on 30.05.22 and invited to respond. A drop-in event to publicise the consultation was held at Cheddon Fitzpaine Village Hall on 6 July 2022 (2pm–6pm) |

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| | (29.09.22). Responses were accepted by post, e-mail or via an online form or a hard copy version of the form available on request. | |
| Duty to take into account any representations received in connection with the review (s.93(6)) | <p>229 responses were received to the first stage consultation. A number of parish councils including CFPC also provided the results of their own surveys of local residents. CGRWG agreed these should be considered alongside the responses to SWT's consultation.</p> <p>CGRWG held four meetings to consider the submissions in the context of the statutory criteria and Guidance and submitted its draft recommendations to SWT Council on 03.03.22 together with a report (Appendix D) setting out all of the responses received including the surveys undertaken by the parish councils.</p> <p>501 responses were received to the second stage consultation. CGRWG held four meetings to consider the submissions in the context of the statutory criteria and Guidance and has submitted its draft final recommendations to the SWT Council on 29.9.22 together with a (Appendix H) setting out all of the responses received.</p> | <p>First stage consultation: 17 responses received from CF residents. CFPC also responded and provided the results of its own survey with 116 responses. CGRWG considered these responses when drafting recommendations in respect of CF at its meetings on 26.01.22, 10.02.22 & 15.02.22. Details are included in the report to SWT Council (03.03.22) sections 9.32 - 9.37 & Appendix B pages 1,4,12,19 & 20. Council's consideration of the report and decision to agree the draft recommendations are recorded at minute 107. Note: the local electorate of Cheddon Fitzpaine Parish (May 2022) is 1,880.</p> <p>Second stage consultation: 112 responses received from CF residents. No further response from CFPC. CGRWG considered the responses in reaching its draft final recommendations at meetings on 16.08.22, 19.08.22 and 06.09.22. Details are included in the report to SWT Council (29.09.22) sections 8.27 - 8.34 & Appendix C pages 4, 5, 10, 17, 18, 25, 32 & 33.</p> |
| Considerations | | |
| Duty to have regard to the need to secure that community governance within the area under review (i) reflects the identities and interests of the community in that area (s.93(4)(a), Guidance paras 55-61) and (ii) is effective and convenient (s.93(4)(b), Guidance paras 62-65) | When considering the responses to each stage of public consultation and formulating their draft and final recommendations the CGRWG were advised by officers of the statutory criteria. The reports to SWT Council (03.03.22 and 29.09.22) each included full information on these duties and set out in relation to each recommendation why the CGRWG considered the proposal meets the requirements of s.93(4)(a) and/or (b). | When considering the responses to each stage of public consultation and formulating their draft and final recommendations the CGRWG were advised by officers of the statutory criteria. The sections of the reports and appendices above set out in why the CGRWG considered its proposals in relation to Cheddon Fitzpaine meet the requirements of s.93(4)(a) and/or (b). |
| Duty to take into account any other arrangements (apart from those relating to parishes and their | Paras 9.7 and 9.8 of the CGRWG report to SWT Council (03.03.22) and paras 8.67 to 8.70 of the CGRWG report to SWT Council (29.09.22) draw attention to this duty and the responses to the | No representations were received to suggest that CF Parish should not continue to have a council. |

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| <p>institutions) that have been made or could be made for community representation or engagement in the area under review (s.93(5), Guidance paras 35,36,136-146)</p> | <p>relevant questions in the first and second stage consultations respectively. No compelling evidence was presented for any suitable alternative to a parish council for Taunton or that any parishes that is proposed to continue should not continue to have a council.</p> | |
| <p>Guidance, when considering the criteria identified in the Act, to take into account (i) the impact of community governance arrangements on community cohesion (Guidance paras 48, 53-54, 67-76) and (ii) the size, population and boundaries of a local community or parish (paras 53-54, 77-85)</p> | <p>When considering the responses to each stage of consultation and formulating draft and final recommendations CGRWG were advised of this guidance. The reports to SWT Council (03.03.22 and 29.09.22) each included information on these matters. 72% of second stage respondents agreed that 'A town council for Taunton could help to promote a sense of community in the town and promote community cohesion'. CGRWG considered its proposals will promote community cohesion at the same time as addressing instances where existing boundaries no longer meet the criteria.</p> | <p>When considering the responses to each stage of public consultation and formulating their draft and final recommendations the CGRWG were advised by officers of this guidance. CGRWG considered the implications of its proposal to amend the boundaries of CFPC and considered the parish council would continue to be viable following the change. The changes would return CF to being a rural parish as it had been prior to the development of the Maidenbrook area and its projected electorate would be over twice the minimum figure of 150 set out in section 94(3) of the 2007 Act for a parish council to be created in a new parish.</p> |
| <p>Guidance that Government expects to see a trend over time for the creation rather than abolition of parishes and guidance on abolition/creation of parishes as part of a CGR (Guidance paras 117-135)</p> | <p>Government expectation included in the ToR as one of the policies to guide the CGR (para 6.2). Charter Trustee considerations addressed in the report to SWT Council (29.09.22) paras 8.61-8.64.</p> | <p>No representations were received to suggest that CF Parish should be abolished.</p> |
| <p>Duty to consider certain questions when deciding if a parish should be/ continue to be divided into wards (s.95(1-3), Guidance paras 158-161)</p> | <p>These questions were addressed by the CGRWG on 15.02.22, 16.08.22, 25.08.22 and 06.09.22 and in the reports to SWT Council (03.03.22) at paras 9.71 to 9.73 and (29.09.22) at paras 9.10 to 9.20.</p> | <p>The CGRWG considered that once the changes to the area of CFPC were made, it would not be desirable for any part of the area to be separately represented and a single election of councillors would be practical and convenient.</p> |
| <p>If recommending a parish be divided into wards, duty to have regard to certain factors when considering size & boundaries of wards and number of councillors to be elected for each (s95(4-5), Guidance paras 162-171)</p> | <p>These questions were addressed by the CGRWG on 15.02.22, 16.08.22, 25.08.22 and 06.09.22 and in the reports to SWT Council (03.03.22) at paras 9.71 to 9.73 and (29.09.22) at paras 9.10 to 9.20.</p> | |

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| If recommending a parish be not warded, duty to have regard to certain factors when considering the number of councillors to be elected (s.95(6-7), Guidance paras 170-171) | These factors were addressed by the CGRWG on 15.02.22 and 06.09.22 and in the reports to SWT Council (03.03.22) at paras 9.71 to 9.73 and (29.09.22) at paras 9.10 to 9.20. | The CGRWG noted that the estimated local electorate of CPFC in its amended area was 304 and this was not projected to rise significantly in the next five years. The WG considered that the appropriate number of councillors to be elected was 5. |
| Recommendations | | |
| Duty to make recommendations re: any new parish(es) to be constituted (s.87(1-2), Guidance paras 87, 92) | Recommendation to establish new Taunton Parish included in report to SWT Council (29.09.22) (Recommendation 2.4 A) | |
| Duty to recommend name/style of any new parish and whether it should have a council (s.87(4-7), Guidance paras 107-112) | Recommendation that new parish will be called Taunton Parish and that it should have a council included in report to SWT Council (29.09.22) (Recommendation 2.4 B) | |
| Duty to make recommendations as to whether to abolish or alter existing parishes under review (s.88 (1-2), Guidance para 92) | Recommendations for abolition of two existing parishes and alteration of six existing parishes included in report to SWT Council (29.09.22) (Recommendation 2.4 A) | Recommendations for alteration of Cheddon Fitzpaine Parish included in report to SWT Council (29.09.22) (Recommendations 2.4 A (v) and (xvii)) |
| Duty to recommend if the name of any existing parishes should change and whether they should (continue to) have a council (s.88 (3-5)) | Recommendation that save as set out at recommendations 2.4 A to F, the existing parishes in the review area and their names, boundaries, council size and other arrangements remain unchanged included in report to SWT Council (29.09.22) (Rec 2.4 G) | Cheddon Fitzpaine Parish is covered by the recommendation 2.4 G to SWT Council (29.09.22) |
| Duty with regard to recommending parish council formation (duty varies depending on size of electorate) (s.94, Guidance paras 88-90) | Recommendations that the new Taunton Parish should have a council, and that the continuing parishes should continue to have councils, included in report to SWT Council (29.09.22) (Recommendations 2.4 B&G) | Cheddon Fitzpaine Parish is covered by the recommendation 2.4 G to SWT Council (29.09.22) |
| Guidance that recommendations should be supported by evidence that the recommended community governance arrangements would meet the criteria set out in the Act (Guidance para 95) | The reports to SWT Council (03.03.22 and 29.09.22) and the minutes of all meetings of the CGRWG attached at appendices B and C respectively set out the Working Group's consideration of the CGR criteria and why the CGRWG considers these are met in relation to each of its proposals. | Paras 9.32-9.37 & Appendix B of the report to SWT Council (03.03.22) and paras 8.27-8.34 & Appendix C of the report to SWT Council (29.09.22) set out the CGRWG's consideration of the CGR criteria and why it considers these are met in relation to its proposals for Cheddon Fitzpaine. |
| Guidance that CGR should consider information received in the form of expressions of local opinion on the | Minutes of all meetings of the CGRWG included in the reports to SWT Council (03.03.22 and 29.09.22) (Appendices B and C respectively) set out the Working Group's consideration of the | Paras 9.32-9.37 & pages 1,4,12,19 & 20 of Appendix B of the report to SWT Council (03.03.22) and paras 8.27-8.34 & pages 4, 5, 10, 17, 18, 25, 32 & 33 of |

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| <p>matters considered by the review, representations made by local people and other interested persons, and also use its own knowledge of the local area (Guidance para 96)</p> | <p>expressions of local opinion and representations made in response to the consultation exercises and members' own local knowledge in making its recommendations to the Council.</p> | <p>Appendix C of the report to SWT Council (29.09.22) set out the CGRWG's consideration of the representations and members' own local knowledge in respect of its proposals for Cheddon Fitzpaine.</p> |
| <p>Duty, where a parish council is created/retained, to recommend electoral arrangements for it (s.89-90) (Guidance paras 92, 147-157))</p> | <p>Recommendations included in the report to SWT Council (29.09.22) in respect of the electoral arrangements of the proposed Taunton Town Council (Recommendation 2.4 C-E); and the six continuing parish councils (Recommendation 2.4 F&G).</p> | <p>Recommendations included in the report to SWT Council (29.09.22) re: electoral arrangements for CFPC (Recommendation 2.4 F&G & section 9.20)</p> |
| <p>Power to recommend to the LGBCE for related alterations to boundaries of principal council wards/divisions (s.92) Guidance paras 177-189)</p> | <p>Recommendation included in the report to SWT Council (29.09.22) that the LGBCE be requested to make related alterations to the boundaries of the relevant Somerset Council electoral areas.</p> | |
| <p>Duty as soon as practicable after making any recommendations to publish the recommendations and take such steps as the principal council considers sufficient to secure that persons who may be interested in the review are informed of those recommendations (s.93(7), Guidance para 98)</p> | <p>Draft recommendations of the CGR published in the SWT Council agenda and for second stage consultation and were sent to first stage consultation respondents who registered their email address.</p> <p>Draft final recommendations of the CGRWG to SWT Council (29.09.22) published on the SWT and SCC websites on 15.09.22. Copies of the report including the draft recommendations sent by email to SCC, to all parish councils within the area under review and to the Charter Trustees on 14.09.22.</p> | <p>Draft recommendations of the review were sent to CFPC by email on 21.02.22.</p> <p>Draft final recommendations of the CGRWG were sent to CFPC by email on 14.09.22.</p> |

Taunton Town Council Implementation Phase

In the event that a reorganisation order is made by SCC to create a Taunton Parish/Town Council then we move into the implementation phase.

A detailed project plan has been drafted, covering all tasks that will need to be carried out in the run up to vesting day and immediately beyond vesting day. Sitting alongside this is a risk and issues log, expenditure tracker and communications plan.

An officer working group has been set up, including officers from Somerset West and Taunton Council and Somerset County Council. Depending on the decision, officers from impacted Parish Councils will also be invited to be part of the project group.

Three officers from the SWT Governance Team (including a qualified former Town Clerk) have been assigned to the Implementation project to deliver the tasks in the implementation plan, working with colleagues at SWT and SCC in specialist areas such as Finance, Asset Management, Human Resources, IT, etc.

Advice and guidance will also be sought from the Somerset Association of Local Councils (SALC) and Society of Local Council Clerks (SLCC) where appropriate.

Proposed Shadow Council (Parish/Town) October 2022/31st March 2023

As set out in section 13 of the report, it is proposed that a Shadow Town Council is established in the period of October 2022 to 31 March 2023. As set out in the National Association of Local Councils (NALC) 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'.

The role of the Shadow Town Council would be to focus the work to create the new council. It will work 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. Formal decisions required to be made would be made by SWT Council, in consultation with SCC as the continuing authority.

The informal nature of a Shadow Town Council provides for flexibility in its membership. 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, which would be as follows:

- Charter Trustees for Taunton
- County Councillors for all divisions all or part of which fall within the area of the new Taunton Parish
- Two Comeytrowe Parish Councillors
- One Staplegrove Parish Councillor
- One Cheddon Fitzpaine Parish Councillor

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.

The first meeting of the Shadow Town Council will take place in October 2022 where it will consider the implementation project plan. It will then meet monthly to review progress against the plan, and to consider any relevant reports, for example drafted policies and procedures.

Appointment of a Town Clerk

The three members of the SWT Governance Team that have been allocated to the Implementation Project will focus on delivering the bulk of the project plan.

As soon as practicable after a Reorganisation Order is approved, work will be done to provide for town clerk services during the implementation period. There are various options for this, and further information will be provided later.

Work will also be carried out to look at the services that will be provided by the Council, the staffing establishment and committee structure.

The job description and person specification for the Town Clerk role will then be drafted using the National Association of Local Councils (NALC) model template.

Consideration will be given to whether to appoint an interim Town Clerk for a six to eight month period, thereafter giving the new Council the opportunity to appoint their own Town Clerk.

Key tasks before vesting day

There are a large number of tasks to be completed before vesting day but some of the key areas of focus will be:

- The assets that are proposed to be transferred to the Town Council
- Where the Town Council will be based
- What the staffing establishment will look like
- What the committee structure will look like

- Setting up a robust governance framework including drafting policies and procedures, making sure all legal aspects are in place before the 1 April 2023
- Getting a website designed and up and running before 1 April 2023
- Procuring a Finance system and getting it up and running before 1 April 2023
- Equipping the new Town Council office with items such as computers, telephones and photocopier/scanner
- Branding and logo
- Planning for the May 2023 Town Council elections including a communication strategy to encourage people to stand as Councillors
- Preparation of an induction programme for Councillors and staff

Reporting to Members

Regular progress reports will be provided to:

- Shadow Town Council
- SWT
- SCC

