

Taunton Charter Trustees - 29 April 2020

Present: Councillor Francesca Smith (Mayor)

Councillors Sue Lees (Deputy Mayor), Lee Baker, Chris Booth, Caroline Ellis, Richard Lees, Libby Lisgo, Derek Perry, Martin Peters, Hazel Prior-Sankey, Federica Smith-Roberts, Alan Wedderkopp, Danny Wedderkopp and Brenda Weston

Officers: Jo Comer, Marcus Prouse and Kate Murdoch

(The meeting commenced at 6.00 pm)

60. Apologies

Apologies were received from Councillor Simon Coles.

61. Minutes of the previous meeting of the Taunton Charter Trustees

(Minutes of the meeting of the Taunton Charter Trustees held on 23rd January 2020 had been circulated with the agenda.)

RESOLVED that the minutes of the Taunton Charter Trustees held on 23rd January 2020 be confirmed as a correct record.

62. Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Minute No.	Description of Interest	Reason	Action Taken
Cllr L Baker	All Items	Cheddon Fitzpaine & SWT	Personal	Spoke and Voted
Cllr C Booth	All Items	Wellington and SWT	Personal	Spoke and Voted
Cllr C Ellis	All Items	SWT	Personal	Spoke and Voted
Cllr R Lees	All Items	SWT	Personal	Spoke and Voted
Cllr S Lees	All Items	SWT	Personal	Spoke and Voted
Cllr L Lisgo	All Items	SWT	Personal	Spoke and Voted
Cllr D Perry	All Items	SWT	Personal	Spoke and Voted
Cllr M Peters	All Items	SWT	Personal	Spoke and Voted
Cllr H Prior-Sankey	All Items	SCC & SWT	Personal	Spoke and Voted
Cllr F Smith	All Items	SWT	Personal	Spoke and Voted
Cllr F Smith-Roberts	All Items	SWT	Personal	Spoke and Voted

Cllr A Wedderkopp	All Items	SCC & SWT	Personal	Spoke and Voted
Cllr D Wedderkopp	All Items	SWT	Personal	Spoke and Voted
Cllr B Weston	All Items	SWT	Personal	Spoke and Voted

63. **Public Participation**

The Clerk advised the Trustees that no members of the public had registered to speak at the meeting.

64. **Petitions**

The Clerk advised that no petitions had been received.

65. **Motions to the Charter Trustees**

The Clerk advised that no motions to the Charter Trustees had been received.

66. **Communications**

The Mayor of Taunton had advised within the Agenda pack of a few key events she had attended since the last meeting of the Charter Trustees;

- Holocaust Memorial Day Service at St Johns Church
- Tour of St Margaret's Hospice
- Performance of School of Rock by students of Castle School
- Showmen's Guild Western Section Annual Luncheon
- Polish Saturday School of Jan Brzechwa 10th Anniversary Party
- Celebration of the Taunton Toads and Cheque Presentation Evening at the Museum of Somerset
- Taunton Thespians production of Deathtrap
- Lunchtime Concert at St Mary Magdalene Church by the Chamber Choir of Madeira The High Sheriff of Somerset's Service to Celebrate Volunteering at Wells Cathedral Legal Service at Wells Cathedral
- Meeting Jason and Sharon Bailey who repaired the Vivary Park Gates
- Virtual opening of Sherford & Wilton Community Store
- The Mayor to update the Charter Trustees on the monies raised by the Taunton Deane Male Voice Choir at their Patronage Concert back in February
- The Choir presented the cheque to the Mayor and the Chair of SWT via Zoom

The Mayor advised Councillors at the meeting that there was shortly to be a piece on BBC Somerset about the Twin Towns as she had written to both the Mayor of Konigsutter and Lisieux expressing solidarity with them in the current Coronavirus pandemic affecting the world. The Mayor had received a response

from the Mayor of Konigslutter and they had also sent their best wishes to the Town.

Councillor Alan Wedderkopp thanked the Mayor for opening the Pop-up Shop in Wilton and Sherford, and thanked the rest of the Charter Trustees for their support in providing the start-up funds from the Unparished fund which allowed it to be set up quickly and efficiently.

67. To answer questions under Standing Order 8

No questions were asked under Standing Order 8.

68. To receive and consider reports, minutes and recommendations of the Standing Committee (if any)

The Clerk advised the Charter Trustees that two decision forms had been included in the Agenda for their information following the Standing Committee's meeting at the end of February and the urgent sign-off of funds for the Community Shop at the end of March.

Cllr Lisgo highlighted that several of the grants that had been awarded in February were for events happening this year, which clearly due to the pandemic were not going to take place. It was worth re-iterating that the Charter Trustees would be unable to support these events on an annual basis due to the financial position of the body in the next year and how expectations of groups were managed.

Cllr Smith-Roberts stressed that there needed to be a follow-up as to whether the successful bidders grants were now going to be used and their plans going forward, as there were several organisations in the area struggling at the moment to obtain funding in the current pandemic situation.

The Clerk stated that he would re-establish contact with the successful applicants and seek information as to their intention with their events in 2020 and report back to the Charter Trustees.

In relation to a bid that had been taken to the February meeting, Cllr Weston had recently discovered that within the adopted Taunton Town Centre Action Plan 2008 funding for the enhancement works at Whirligig Lane by the Borough Council had been mooted.

Councillor Booth requested information as to whether there were any bids awaiting decision?

The Clerk advised that there were a couple of bids waiting and a virtual meeting would be looked to be set up.

69. To make appointments to the Standing Committee

The Clerk advised that the latest advice received from the Association of Charter Trustee Towns this afternoon was that as Charter Trustees were not specifically referred to in the Coronavirus legislation they were not covered as a Parish Council and so an Annual General Meeting (AGM) would have to take place this year, which was not the expectation when the Agenda had been published, and this item would have usually been taken to the AGM.

The Charter Trustees were advised they could make appointments at this meeting or wait until the AGM.

RESOLVED that the Charter Trustees deferred this item to the next meeting of the Charter Trustees (Annual General Meeting).

70. **Taunton High Street Fund bid and Community Infrastructure Levy allocations**

The report sought input from Chartered Trustees on the allocations of Community Infrastructure Levy funds held in the Taunton Unparished Area Fund, to support Somerset West and Taunton's Future High Street Fund bid for Taunton. The Taunton Unparished Area fund currently held £107,062.74 in CIL funds and it was proposed that these funds be committed to support key projects in the Taunton Future High Street Fund bid.

During the discussion of this item, Members made comments and asked questions which included:-

- Clarity was sought as to what allocation would be most favourably looked upon by Central Government?
- *In the bid the Charter Trustees support will be mentioned. The main measure of assessing the bid would be Value for Money, and 99 other Local Authorities were still in the process so it was going to be competitive.*
- Some concern was raised about whether the whole amount of CIL monies from the Unparished Area should be allocated towards this bid, and a third option of allocating only 80% was discussed.
- The Multi-Purpose Venue was an interesting proposal, however it was felt there was not enough detail yet on what this looked like.
- There had been discussions on how these funds should be used prior to the creation of the Charter Trustees. The cycling groups in Taunton had been expecting this to come forward following those discussions.
- It was stated that more Community Levy Infrastructure funds that will continue to accrue from the Unparished Area.
- It was perceived that the benefits of the cycling improvements would be felt across a wider cross-section of Taunton than the multi-purpose venue.
- Clarity was sought as to the differences between the different pots and whether all of these were projections or actualised?
- *This money would be in addition to the Strategic pot allocated by the District Council. The SWT CIL allocations were still projections which may not come to fruition if lower housing completions came forward, whereas the UPA CIL pot was funds already in.*

- The improvements in cycling would also provide benefits to pedestrians including those that have disabilities.
- Concern was raised over a link route behind Vivary Park not being covered by these improvements.
- *Officers had worked with the County Council on a cycling infrastructure plan and this would be checked that this link route had been identified.*
- Concern was raised that the funding towards cycling routes would not capture the public's imagination as much as a Venue.

RESOLVED that the Charter Trustees for Taunton supported the allocation of the current amount in the Taunton Unparished Area Community Infrastructure Levy fund of £107,062.74 towards the Town Centre cycle/pedestrian improvements in the Taunton Future High Street Fund bid.

71. **Alderman Spear's Contribution to the Mayor's Christmas Fund**

The report introduced by the Clerk set out an introduction to the charitable fund 'Alderman Spear's contribution to the Mayor's Christmas Fund' and sought a steer from the Charter Trustees of Taunton on the future management of the fund going forward for future years.

During the discussion of this item, Members made comments and asked questions which included:-

- Views were expressed that the size of the fund meant that it was a small amount of funds that required a cumbersome amount of administration, and may be better off managed by the Somerset Community Foundation with a request for a focus on the Taunton area suggested.
- The paperwork involved in passing this over to the SCF and the Deane Dragons Fund was felt not too be a complicated process.
- Some felt to be in the spirit of the intention of the creator of the fund to keep it and keep it related to the Unparished Area of Taunton and the Mayoralty. There were charities working in the area such as the Women's Refuge and the Food Bank that would be important and within the remit of Alderman Spear's Declaration of Trust.
- It was clear of the intention of Alderman Spear that this was to be administered by the Mayor of Taunton for the relief of the poor and needy at Christmas time in Taunton.
- It was suggested that the generosity of Alderman Spear should be commemorated with a plaque in Taunton.
- It was suggested that the fund was initially kept with the Charter Trustees for a period of perhaps two years, with a view to revisiting the decision to ensure that the fund was still receiving applications and the cost involved in administering the fund.
- It was considered that the decisions over the future of the Trust were for the Mayor of Taunton and not the wider Trustees for Taunton to decide.
- It was suggested that the Mayor of Taunton could potentially look to seek donations to the Christmas Fund and increase the impact of this funding.

- Concern was raised around drawing down the balance of the account in one year, and it was suggested this was levelled out across a couple of years.
- *The advice that we had seen from the Charity Commission recommended expending the built up funds but this would be double-checked.*
- It was suggested that the Covid-19 situation may mean that 2020 would be an appropriate year to dispense all of the current funds.

RESOLVED to formally request to SWT to approve the transfer of the responsibility for the Alderman Spear's contribution to the Mayor's Christmas Charitable Fund to the Charter Trustees for Taunton to enable the current and future Mayors of Taunton to carry out the original aims of the Declaration of Trust.

RESOLVED that the relevant support officers (Democracy and Governance Specialist and Civic Specialist) be added as additional signatories to the Endowment Fund and linked Bank Account.

72. **Standing Committee Bid Criteria Documentation**

The Clerk advised that copies of the documentation had been circulated with the Agenda. The documents had been discussed with the Standing Committee and he had worked with the Chair, Cllr Lisgo, to improve the forms and ensure the relevant questions were asked and the required information was provided in advance of the presentation at Committee.

During the discussion of this item, Members made comments and asked questions which included:-

- It aligns the bid process for this grant with other grants/areas of Somerset West and Taunton Council.
- Cllr Weston detailed some suggested amendments, which she would send to the Clerk after the meeting to make the necessary changes.
- Concern was raised around criterion being too prescriptive, and each application should be judged on its own merits.

RESOLVED that the Standing Committee Bid Criteria Documentation be approved for use by applicants to the Standing Committee of the Taunton Charter Trustees Small Grant Scheme in the 2020/2021 municipal year.

73. **Annual General Meeting 2020**

The Clerk had included a brief report in the Agenda papers based on advice from the Association of Democratic Services Officers (ADSO) on the government regulations made in the wake of the coronavirus pandemic, which seemed to indicate that the Charter Trustees had a choice as to whether to hold an Annual Meeting in 2020, usually a mandatory requirement.

The Charter Trustees on the 23rd January 2020 had officially nominated Cllr Fran Smith and Cllr Sue Lees to serve as Mayor and Deputy Mayor of Taunton respectively for the 2020/21 Municipal Year and so it was not expected that these positions were to change.

The Mayor of Taunton had received an email from the Chair of the Association of Charter Trustees Towns and Charter Trustee Councils (ACTT), Cllr Jim Anderson, which stated the following;

“Charter Trustees are required by Regulation to meet and appoint a Mayor and Deputy Mayor for the coming year within 21 days of the Annual Meeting of the parent authority. No exemption to these Regulations were specifically mentioned in 2020 Coronavirus Act.

If a parent Authority chooses to postpone their AGM till 2021, the Charter Trustees are not required by Regulation to elect a Mayor until a period 21 days after that 2021 AGM. The incumbents can remain in post.

I’m not aware of many local Authorities (with Charter Trustee arrangements) planning to hold an AGM under ‘lock-down’ conditions - the Coronavirus Act 2020 clearly allows them either hold or not hold such a meeting - and so our Executive advice is that your ‘public’ Mayor Making should only take place at a time when the public can attend, and in the meanwhile their incumbents terms be extended.

You will be aware that the Coronavirus Act 2020 proceeded swiftly through Parliament without detailed scrutiny - this was necessary but sometimes some consequences, interpretations and clarifications were overlooked. The mandate to close Cemeteries is one such example and regrettably another is the omission of Charter Trustee bodies from the lengthy list of ‘authorities’ that are permitted to postpone or otherwise conduct public meetings in the absence of the public.

The Association has enlisted the help of an MP to determine how autonomous Charter Trustee bodies are; Anthony Martin ACTT Hon Sec is seeking similar advice direct from MHCLG, and until and unless a clear instruction emerges from the Government the ACTT advice to Charter Trustee bodies must be to postpone their usual planned activities for safety and public health reasons without attempting to second guess the date for any lifting of public meeting orders.

The most challenging set of circumstances for a Charter Trustee body is the situation where the parent Authority has, via Teams, Skype, Zoom or some other means a plan to conduct the 2020 AGM in the lock-down or Social Distancing period that we are currently in. Unless a clear exemption is issued by MHCLG, or clarification of the terms of the Coronavirus Act, then you will be obliged to conduct some similar kind of Charter Trustee meeting within 21 days in order to fulfill your Regulatory requirements. Various options exist to do that, but all of them will require the robing, speeches and general (and sometimes grand and exclusive) procedures of your historic public meetings to be delayed by weeks or months until it is safe to do so. Your ‘Regulatory’ meeting will need to merely be the formal proposition of Mayor and Deputy Mayor, a vote and then close meeting. In that way you will have fulfilled Regulatory requirements without placing your colleagues and residents in danger.”

The crux of this advice meant that the Charter Trustees as a body were not specifically referred to in the legislation and so an AGM will thus have to take place. Somerset West and Taunton Council had confirmed they would be holding

their AGM on 26th May 2020 and so the Charter Trustees would be required under the current law to hold an AGM in the 21 days afterward, but this would be a brief meeting and take a straightforward appointment of the Mayor and Deputy Mayor.

74. **Community Governance Review Update - Standing Item**

The Clerk to the Trustees advised that there were no substantial updates to bring to the Trustees, but that Somerset West and Taunton Council was still on track to complete the review by mid-2022.

(The Meeting ended at 8.15 pm)