

# **Somerset West and Taunton Council**

## **Full Council – 30 March 2021**

### **Community Governance Review for the Unparished Area of Taunton**

**This matter is the responsibility of the Leader of the Council, Cllr Federica Smith-Robert**

**Report Author: Amy Tregellas, Governance Manager and Monitoring Officer**

#### **1.0 Executive Summary / Purpose of the Report**

- 1.1 The purpose of this report is to recommend to Members that mechanisms are put into place to set up a cross party Member Working Group to commence the Community Governance Review for the Unparished Area of Taunton.
- 1.2 As this is a priority project for the 2021/22 Municipal Year, to set out the timetable for the Review (Annex 1 to this report).

#### **2.0 Recommendations**

##### **2.1 That Council resolve that:**

- a) As per the resolution made by Taunton Deane Borough Council on 19<sup>th</sup> March 2018, that a Community Governance Review (CGR) of the Unparished Area of Taunton is commenced with a view to creating a new Parish Council(s) from 1<sup>st</sup> April 2023
- b) A cross party Members Working Group is established to commence the Community Governance Review for the Unparished Area of Taunton (as per the Member Working Group Protocol being approved by Council on 30<sup>th</sup> March)
- c) The Member Working Group will make reports and recommendations to Full Council (via the Taunton Charter Trustees) with regard to proposals for Terms of Reference for the review, proposals for consultation, any amendments to proposals after the public consultation, and the implementation of the final review recommendations.

#### **3.0 Risk Assessment**

- 3.1 Any risks associated with this Review will be picked up and managed with the Member Working Group.
- 3.2 Officers will mitigate any risks by working closely with the National Association of Local Councils (NALC)/ Somerset Association of Local Councils (SALC) and other Councils that have been through this process.

## **4.0 Background and Full details of the Report**

- 4.1 At the Taunton Deane Borough Council meeting on 19<sup>th</sup> March 2018, the Council resolved that *a Community Governance Review of the Unparished Area of Taunton be commenced at the earliest opportunity (taking into consideration the guidance from both the Local Government Boundary Commission for England and Ministry for Housing, Communities and Local Government)*.
- 4.2 From February 2008, principal councils have had responsibility for undertaking community governance reviews and have been able to decide whether to give effect to recommendations made in those reviews. In making such a decision, Councillors are required to take account of the views of local people ensuring that governance arrangements continue to reflect local identities and facilitate effective and convenient local government.
- 4.3 The Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) requires that principal councils have regard to the guidance issued by the Secretary of State and the Local Government Boundary Commission for England.
- 4.4 Any Review should be concluded within 12 months of the agreement and publication of the Terms of Reference, and the outcomes of the Review are implemented by a Reorganisation Order.

### **Community Governance Review Process**

- 4.5 Section 93 of the 2007 Act allows principal councils to decide how to undertake a Community Governance Review, provided that they comply with certain duties in that Act including details set out relating to consultation, the need to ensure any proposals reflect the identities and interests of the community in that area and is effective and convenient, and the publication of recommendations. The manner in which the Council consults with its local residents is not prescribed.
- 4.6 A Community Governance Review is a review of the whole or part of the district to consider the creation of a new Parish(es):
- Terms of reference for the Community Governance Review must specify the area under review and set out clearly the matters on which the Review is to focus, and these Terms of Reference must be published.
  - Consultees are set out in the Act and Guidance, and include the County Council, Members of Parliament, local councils, local people, local businesses and voluntary organisations, and their representations must be taken into account when finalising the detail of the review.
  - The review must take into account the impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish.
  - The review must consider electoral arrangements and, if creating a large Parish, whether or not this should be warded. Careful consideration must also be given to any Ward boundaries as these can have consequential effects on the boundaries for other tiers of local government.

### **Terms of Reference of the Review**

- 4.7 The guidance expects Terms of Reference to set out clearly the matters on which a Community Governance Review is to focus, and the local knowledge and experience

of District Councillors will help to frame suitable terms of reference which should be appropriate to local people and reflect the specific needs of the community. It is recommended that the Member Working Group work with officers to draft the Terms of Reference, and that they are considered by Full Council at the end of April/beginning of May 2021.

### **Community Governance Review process**

- 4.8 There are a number of stages to the process of conducting a Community Governance Review which are set out in Annex 1.
- 4.9 During the Review, officers will ensure that:
- The Taunton Charter Trustees are kept updated and informed throughout the process
  - Somerset County Council are kept updated on the process and outcomes at each stage of the process
  - NALC and SALC are involved and consulted throughout the process
  - Parish Councils falling within the Review area or on the boundary, are involved and consulted throughout the process

### **Implementation**

- 4.10 If the Council chooses to accept the final recommendations of the Review, concluded after public consultation, then it needs to draw up a Reorganisation Order and publish this together with the reasons for the changes, making maps available for public inspection.
- 4.11 There are also various bodies that must be notified of the changes including the Local Government Boundary Committee for England.

### **Unitary Somerset**

- 4.12 The current timetable for Unitary Somerset is that it would come into effect from 1<sup>st</sup> April 2023. That is irrespective of whether the Stronger Somerset or One Somerset models are chosen. This fits with the timetable for a new Local Council 'going live' from the 1<sup>st</sup> April 2023.
- 4.13 If, for any reason, the timetable for Unitary Somerset changes, a report will be brought before Council to outline any changes and the impact on the Community Governance Review.

**5.0 Links to Corporate Strategy** – This is a key project for 2021 within the Internal Operations Directorate Plan and links to the Corporate Strategy

**6.0 Finance / Resource Implications** – None at this time

**7.0 Legal Implications** - The Community Governance Review will be conducted as per the Department for Communities and Governance (DCLG) and Local Government Boundary Commission for England (LGBCE) guidance on Community Governance Reviews and in accordance with the Local Government and Public Involvement in Health Act 2007

- 8.0 Climate and Sustainability Implications - None**
- 9.0 Safeguarding and/or Community Safety Implications - None**
- 10.0 Equality and Diversity Implications - None**
- 11.0 Social Value Implications - None**
- 12.0 Partnership Implications –** Appropriate consultation will take place with local Councils and others as part of the Community Governance Review process
- 13.0 Health and Wellbeing Implications - None**
- 14.0 Asset Management Implications - None**
- 15.0 Data Protection Implications - None**
- 16.0 Consultation Implications -** Appropriate consultation will take place with local electors, business, community and voluntary sector, local Councils and others as part of the Community Governance Review process

**Scrutiny/Executive Comments / Recommendation(s) – N/A**

**Democratic Path:**

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – Yes**

**List of Appendices**

Annex 1	Community Governance Review for the Unparished Area of Taunton – Indicative Timetable
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## Community Governance Review for the Unparished Area of Taunton Indicative Timetable

### Timetable for the Review

Publication of the Terms of Reference formally begins the Review, and the Review must be completed within 12 months. The timetable set out below is indicative only and is based on an assumption of agreement of Terms of Reference at a meeting of Full Council by end April/beginning of May 2021.

Report to Council	<b>30 March 2021</b> (being presented to the Charter Trustee on 16 March 2021)	Council gives approval to set up the Member Working Group to commence the process
Terms of Reference	<b>Full Council by 11<sup>th</sup> May 2021</b>	Member Working Group to draft these before they go before Council (via Charter Trustees)  The ToR will set out: <ul style="list-style-type: none"> <li>• the matters to be considered;</li> <li>• the geographic area to be covered;</li> <li>• Notification of other local authorities which have an interest.</li> </ul>
Publish Terms of Reference (12 month clock starts)	<b>Following Full Council meeting on 11<sup>th</sup> May 2021</b>	Publish on the Council website

<p>Member Working Group to prepare draft proposals for consultation to be adopted by Full Council</p>	<p><b>Full Council meeting on 6<sup>th</sup> July 2021</b></p>	<p>Council approves the initial proposals regarding the creation of a new local council and the Consultation Plan</p>
<p>Commence consultation on draft proposals and invite initial submissions</p>	<p><b>7<sup>th</sup> July 2021 (Consultation closes 31<sup>st</sup> August 2021 – 8 weeks)</b></p>	<p>Initial submissions invited. Consult with: SWT Councillors Somerset County Council Relevant Town and Parish Councils Member of Parliament Local Groups and Interested parties such as local businesses, local residents association, local public and voluntary organisations Local electorate Publish proposals on the website</p>
<p>Consider submissions and draft revised recommendations, if appropriate</p>	<p><b>Special Full Council meeting by mid October 2021</b></p>	<p>Consider any submissions/ representations and prepare report of draft recommendations for Council (via Charter Trustees)</p>
<p>Publish draft recommendations for consultation</p>	<p><b>By end October 2021</b></p>	<p>Publish draft recommendation for further consultation with: All local government electors SWT Councillors Somerset County Council</p>

		<p>Relevant Town and Parish Councils</p> <p>Member of Parliament</p> <p>Local Groups and Interested parties such as local businesses, local residents association, local public and voluntary organisations</p> <p>Local electorate</p> <p>Publish proposals on the website</p>
Make final recommendations	<p><b>Member Working Group report to Full Council 7 February 2022</b></p> <p><b>(Consultation closes 31<sup>st</sup> December 2021 – 8 weeks)</b></p>	Consider any further submissions/ representations and prepare final recommendations for report to Full Council (via Charter Trustees)
Publish final recommendations	<b>After Full Council on 7<sup>th</sup> February 2022</b>	Publish final recommendations and make Reorganisation Order
Draft Reorganisation Order	<b>Member Working Group to report to Full Council on 29<sup>th</sup> March 2022</b>	

Make Reorganisation Order		Reorganisation Order to be sealed once approval received from Full Council on 29 <sup>th</sup> March 2022
Create Shadow Council	<b>12 months to set up new Local Council ready for 'go live' date of 1<sup>st</sup> April 2023</b>	Laying the groundwork for the new Local Council including: Finding premises for the local council to meet Consult residents about what they would like the local council to do Creating a website for the new Council Setting a Budget and Precept Employing staff Vesting and Asset Transfer
New Local Council created in temporary format with existing Charter Trustees	<b>1<sup>st</sup> April 2023</b>	
Elections to new Local Council	<b>May 2023</b>	