

## **Executive – 7 March 2018**

Present: Councillor Williams (Chairman)  
Councillors Beale, Berry, Parrish, Mrs Stock-Williams and Mrs Warmington

Officers: Paul Carter (Assistant Director – Corporate Services), Tim Burton (Assistant Director – Planning and Environment), Joanne O’Hara (Wellington Heritage at Risk Project Manager) and Richard Bryant (Democratic Services Manager)

Also present: Councillors Aldridge and Coles

(The meeting commenced at 6.15 p.m.)

### **16. Apologies**

Councillors Edwards and Habgood.

### **17. Minutes**

The minutes of the meeting of the Executive held on 8 February 2018, copies of which had been circulated, were taken as read and were signed.

### **18. Declaration of Interests**

Councillors Mrs Stock-Williams and Mrs Warmington declared personal interests as Members of Wellington Town Council and Bishops Lydeard and Cothelstone Parish Council respectively.

### **19. Executive Forward Plan**

Submitted for information the Forward Plan of the Executive over the next few months.

**Resolved** that the Forward Plan be noted.

### **20. Exclusion of the Press and Public**

**Resolved** that the press and public be excluded from the meeting for the following item because of the likelihood that exempt information would otherwise be disclosed relating to Clauses 1 and 3 of Schedule 12A to the Local Government Act 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

### **21. Proposed Acquisition of Land at Norton Fitzwarren**

Considered report previously circulated, relating to the proposed acquisition of an area of land at Norton Fitzwarren.

The Council had been working with the South West Heritage Trust (SWHT), Norton

Fitzwarren Parish Council (NFPC) and Historic England (HE) to secure the site which was a Scheduled Ancient Monument, currently on the HE Risk Register.

The site had important archaeological remains which were at risk due to the legal invasive farming techniques that had occurred in the past and was likely to take place again in the near future. The Council's aim was to acquire the site and remove it from intensive farming.

Further reported that the site also formed part of the Green Infrastructure Strategy and would provide open space to the community. There would also be education opportunities taking account of the ecological and archaeological interests on the site.

The total cost of site acquisition would be in the region of the figure included within the report. The funding for the purchase would largely be met by HE (80%) with the SWHT and the NFPC each making a small contribution. It was proposed that the remainder should be funded from the Council's general reserves.

The SWHT had indicated that they would be prepared to take on a 30-year lease on the site and help to find funding for a Conservation and Management Plan with applications to the Heritage Lottery Fund, Viridor Credits and other such bodies.

The Council would need to work with HE, SWHT and NFPC to work up an agreed management plan for the site. This would mean that the continuing maintenance of the site would not be the responsibility of the Council, thereby removing any continuing impact on Taunton Deane's Revenue Budget.

**Resolved** that Full Council be recommended to approve a supplementary estimate of the sum identified in the report to the capital programme for the acquisition of the land at Norton Fitzwarren, including the use of the required sum from the Council's General Reserves.

(The meeting ended at 6.44 p.m.)

## **Special Executive – 19 March 2018**

Present: Councillor Williams (Chairman)  
Councillors Beale, Berry, Edwards, Habgood, Parrish, Mrs Stock-Williams  
and Mrs Warmington

Officers: Shirlene Adam (Director – Operations, Paul Carter (Assistant Director –  
Corporate Services), Satish Mistry (Legal Advisor – SHAPE Legal), Kim  
Batchelor (Corporate Transformation Programme Manager), Robert Downs  
(Communication Lead), Richard Bryant (Democratic Services Manager) and  
Andrew Randell (Temporary Senior Democratic Services Manager)

Also present: The Mayor (Councillor Prior-Sankey) and Councillors Brown, Coles, Gage,  
R Lees, Mrs Lees, Ms Lisgo, Martin-Scott and Sully.  
Mrs Anne Elder (Chairman of the Standards Advisory Committee)

(The meeting commenced at 8.40 p.m.)

### **22. Declaration of Interests**

Councillors Mrs Stock-Williams and Mrs Warmington declared personal interests as  
Members of Wellington Town Council and Bishops Lydeard and Cothelstone Parish  
Council respectively.

### **23. Transitioning to a New Council**

Considered report previously circulated, concerning a number of matters which, if  
supported, would be included within draft Orders to be laid before Parliament by the  
Secretary of State to create a new Council.

In 2016 both Taunton Deane Borough and West Somerset District Councils  
respectively voted to submit a Business Case to become a single Council to the  
Secretary of State.

A risk to this process was the concern that there would be insufficient Parliamentary  
time in order to agree the draft Orders, and for the Local Government Boundary  
Commission for England (LGBCE) to undertake the necessary work to determine  
the new Council's warding pattern.

At present, it was clear that all sides were committed to ensuring this risk did not  
materialise. However, it was important that no further delays in the process should  
occur and, as such, it was important that the Council using its executive powers now  
considered those matters necessary for inclusion within the draft Orders. This  
meant the Councils would be ready to respond to any formal decision made by the  
Secretary of State.

In the event of formally approving the submission to create a new Council, the  
Secretary of State would initiate a process requesting the making of Statutory  
Orders that would dissolve the current Councils transferring the powers, functions  
and responsibilities of Taunton Deane Borough Council and West Somerset Council

to the new Council effective from 1 April 2019. The draft Orders had to receive the approval of both Houses of Parliament, and be accompanied by a report setting out why the Secretary of State believed it appropriate to create the new Council, and any consultation he had taken into account.

### **Transition Arrangements**

In practice, the new Authority could not simply come into effect on 1 April 2019. It would be necessary to make appropriate transition arrangements to ensure that required policies and procedures were in place to enable Council services to continue to operate effectively.

In the case of Taunton Deane and West Somerset the way in which this transitional stage would be managed was by the establishment of a Shadow Authority. This would comprise all Members of both existing Councils. The Orders could provide for the number of Members to sit on the Shadow Executive/Cabinet of the Shadow Authority and could also provide for representation from minority parties upon it.

It was recommended that the Shadow Executive/Cabinet of the Shadow Authority should consist of both Leaders and three Members from each authority, with a nominated substitute from each authority. If supported, provision to that effect would be incorporated into the Secretary of State's draft Orders.

At its first meeting, the Shadow Authority would be required to elect a Leader and other Members of the Shadow Executive. The Shadow Authority would have the power to adopt the necessary processes and procedures to come into effect upon the date of the Orders, currently expected to be no earlier than June 2018. It would also set the first precept for the new Council and appoint Committees to agree relevant policies.

The report set out in detail other matters that would be covered by the draft Orders including certain duties that the constituent councils would be obliged to comply with and the need for them to co-operate fully with the Shadow Authority and, in certain circumstances, consult the Shadow Authority when making decisions.

The draft Orders would also provide the legal framework within which the Shadow Authority could establish the arrangements to ensure a new authority was ready to take on the statutory responsibilities it would have from April 2019.

Reported that the extent to which provisions governing electoral arrangements and other operational matters were covered within the draft Orders, was still to be established through discussions with the Ministry of Housing, Communities and Local Government (MHCLG). In general terms the Orders would ensure that the Shadow Authority was established and had the powers required to prepare all matters necessary prior to the new authority coming into effect.

Noted that further Orders were likely to cover Staffing, Functions, Property Rights and Liabilities, Electoral arrangements, Finance and Miscellaneous Matters.

The Orders would require the formation of an officer team with a membership drawn from the existing authorities, the purpose of which would be to carry out the transition body's Implementation Plan which it was required to adopt. The team had to include the three statutory posts of Head of Paid Service, Monitoring Officer and Section 151 Officer.

### **Council Name**

As a result of the public consultation exercise and various Member engagement events, several potential names for a new authority were proposed.

"Somerset West and Taunton" was recommended to be used by the Secretary of State in the draft Structural Change Order.

Reported however that it was intended to continue listening to the views of local residents in the coming months on the best title for a new Council and other options would be reviewed going forward.

### **Council Status**

The Member Working Group had discussed the status of the new Council – whether it should be a District or Borough. Only a Borough Council could have a Mayor.

If the new Council was created as a District Council by the Secretary of State's Parliamentary Orders it would be able, once fully constituted after the end of the Shadow period, to apply for Borough status under Section 245(4) of the Local Government Act 1972 should two-thirds of the membership of the Council took the view that it was desirable to do so.

### **Council Size**

The number of Councillors a future Council should have had been one of the most complex aspects of the work of the Member Working Group.

The Order to create a new Council was likely to include a Council size figure. This would then be subject to ratification by the LGBCE who would undertake a Warding Review to determine the exact ward boundaries and names.

Reported that a decision was required at this stage to ensure that a figure could be considered for inclusion within the draft Order.

The proposed Council size was 58 which had already received favourable, informal comment from the LGBCE. 58 had previously been agreed as part of the original submission document.

The process in relation to warding – which took account of the number of electors within the future Council – would follow on from the setting of the Council size. The LGBCE had strongly emphasised that the Council size case could not be based on, or take account of, current warding patterns, future warding patterns or the number of electors. However, it was recognised – from discussions with the Member Working Group that this was still a key consideration for Members and engagement

would take place during the warding review to ensure Members' views could be taken into account, alongside wider public and stakeholder consultation.

### **Delegation of consent to Leader(s) and CEO**

Discussions with MHCLG to date had indicated that should Taunton Deane and West Somerset Councils progress towards the creation of a new Council, they would be operating to a significantly condensed timescale – and a Parliamentary schedule that could not be amended.

It was likely that once the draft Orders had been finalised to the satisfaction of all parties, there would be a very short period (maybe as little as 24 hours) within which, both Councils would be required to formally consent to the Orders being laid before both Houses of Parliament and the Parliamentary process commencing.

The formal consenting was merely an opportunity to ensure the will of the Councils had been reflected in the draft Orders. It was therefore recommended, in the interest of expediency, that the Executive agrees to delegate to the Chief Executive (or, in her absence, the Director – Operations) in consultation with the Leaders of Taunton Deane and West Somerset Councils, authority to consent to the laying of the draft Orders.

The financial and legal implications of the proposed new Council were set out in detail in the report.

**Resolved** that subject to the Secretary of State agreeing to create a new Council it was recommended that:-

- (a) The name of the new Council be designated as “Somerset West and Taunton”;
- (b) The preferred number of Councillors for the new Council be 58 subject to a review by the Local Government Boundary Commission for England;
- (c) The Cabinet Model of Governance be adopted for the new Council with an Executive comprised of up to 10 Members;
- (d) A Shadow Authority be created to comprise all existing Councillors of Taunton Deane and West Somerset Councils, together with a Shadow Executive to comprise the respective Leaders and three further Councillors from each Authority and provision be requested for one substitute from each Council;
- (e) The Local Government Boundary Commission for England be requested to undertake, at the earliest opportunity, a full Electoral Review of the areas of the new Council including the determination of an appropriate ward structure; and
- (f) The Chief Executive or the Director - Operations, in consultation with the Leaders of Taunton Deane and West Somerset Councils, be delegated by the authority to:-
  - (i) Submit the above decisions to the Secretary of State for inclusion into any Orders drafted to implement the creation of a new Council; and

- (ii) Consent to the laying before Parliament of the required final Statutory Orders.

24. **Executive Forward Plan**

Submitted for information the Forward Plan of the Executive over the next few months.

**Resolved** that the Forward Plan be noted.

(The meeting ended at 8.55 p.m.)