

# Taunton Deane Borough Council

## Executive – 30 November 2016

### Task and Finish Review into Parishing the Unparished Area of Taunton

#### Report of Councillor Gwil Wren, Chairman of the Task and Finish Group and Alastair Higton, Executive Assistant – Policy and Research, Somerset County Council

(This matter is the responsibility of Executive Councillor Mrs Jane Warmington)

#### Executive Summary

This Task and Finish review has now been concluded. The draft final report was submitted to the Community Scrutiny Committee on 1 November 2016 and most of the recommendations contained therein were supported.

This cover sheet provides directions on how the Executive should deal with the Task and Finish report and the recommendations made. Where changes were proposed by Scrutiny, these are shown in Section 2 below.

The final report of the Task and Finish review follows this cover report.

#### 1. The Executive is asked to do the following:-

- 1.1 Consider the report and its recommendations, and decide which, if any, of the recommendations it wishes to adopt.
- 1.2 If the Executive agrees to adopt any of the recommendations of the review, it should state who will be responsible for delivering each of the adopted recommendations.
- 1.3 If the Executive decides **not** to adopt any of the recommendations, it must specifically state why, as prescribed by the Local Government Act 2007.

#### 2. Recommendations

- 2.1 The Task and Finish Group's recommendations are set out below together with the views of the Community Scrutiny Committee and/or its suggested amendments shown in bold italics:-
  - (a) That currently, the creation of a Town Council or several new Parish Councils for the Unparished Area of Taunton be not supported;

***(The Scrutiny Committee felt that this recommendation was based on the situation which existed before Taunton Deane and West Somerset Councils agreed to proceed with the formation of a new Council. Investigation of the need for a Town Council for Taunton or a Parish Council(s) to fill the 'democratic deficit' which was likely to arise with a new District Council with possibly fewer Councillors was considered to be essential. The Community Scrutiny Committee therefore agreed that this recommendation should be deleted.)***

- (b) That a new Committee be established comprising all Borough Councillors in the Taunton Unparished Area to:-
- Replace the Taunton Unparished Area Advisory Panel;
  - Discuss and advise Taunton Deane Borough Council on issues in the Taunton Unparished Area;
  - Consider using the available funding derived from the Unparished Area Special Expenses Precept ***(and from the Community Infrastructure Levy)*** to partly support the existing grant scheme and to support more strategic schemes or existing services in the Unparished Area of Taunton; and
  - Determine its other Terms of Reference ***(and meeting requirements)***;
- (c) That Taunton Deane Borough Council be requested to provide officer support for the new Committee at the lowest possible cost to be funded from the Unparished Area Precept Fund ***(for costs over and above the existing costs for supporting the Taunton Unparished Area Advisory Panel)***.
- (d) That the new Committee meets half-yearly in the first instance. ***(The Community Scrutiny Committee was of the view that it should be for the new Area Committee to decide how often it should meet so suggested deletion of this recommendation.)***

In addition, the Community Scrutiny Committee agreed that the following recommendation should also be considered by the Executive:-

“The Executive be also recommended to agree that, with the likelihood of a new District Council being formed with West Somerset Council, a Community Governance Review be commenced at the earliest opportunity to consider the establishment a Town Council for Taunton, with a further view to achieving Borough Status for the town to provide a democratic and civic focus.”

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# Taunton Deane Borough Council

## Executive – 30 November 2016

### Parishing the Unparished Area of Taunton Task and Finish Group

This matter is the responsibility of Executive Councillor Jane Warmington

**Report Author: Councillor Gwil Wren, Chairman of the Task and Finish Group and Alastair Higton, Executive Assistant – Policy and Research, Somerset County Council**

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

- 1.1 Following a discussion in July 2014, the Community Scrutiny Committee agreed that a Task and Finish Group (“the Group”) would investigate creating new Parish Council(s) to cover the Unparished Area of Taunton.
- 1.2 To address dissatisfaction with the revenue currently available to the unparished area versus the potential for precepting to provide additional services in Taunton, the Group considered six possible options:-
  - Do nothing;
  - The formation of a single Town Council for Taunton;
  - The establishment of several Parish Councils to cover the Unparished Area;
  - To consider alternatives to Parish Councils;
  - The production of a ‘hybrid’ solution; and
  - Look ahead to what could happen alongside any future local government reorganisation.
- 1.3 The Task and Finish Group met three times and explored:-
  - What, if any, changes should be made to current arrangements;
  - How new Parish Councils are set up;
  - What powers they could exercise;
  - What costs might be associated with setting up and running them; and
  - What alternatives to new Parish Councils might offer.

#### **2 Recommendations**

- 2.1 That currently, the creation of a Town Council or several new Parish Councils for the Unparished Area of Taunton be not supported;
- 2.2 That a new Committee be established comprising all Borough Councillors in the Taunton Unparished Area to:-

- Replace the Taunton Unparished Area Advisory Panel;
- Discuss and advise Taunton Deane Borough Council on issues in the Taunton Unparished Area;
- Consider using the available funding derived from the Unparished Area Special Expenses Precept to partly support the existing grant scheme and to support more strategic schemes or existing services in the Unparished Area of Taunton; and
- Determine its other Terms of Reference;

2.3 That Taunton Deane Borough Council be requested to provide officer support for the new Committee at the lowest possible cost to be funded from the Unparished Area Precept Fund; and

2.4 That the new Committee meets half-yearly in the first instance.

### **3 Risk Assessment (if appropriate)**

3.1 Not appropriate.

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

4.1 The Group agreed that the four challenges facing the Unparished Area in terms of governance were:-

- (a) Dissatisfaction with the revenue currently available to the Taunton Unparished Area;
- (b) The perceived lack of revenue for central Taunton, opportunities for cascading of services to Parish Councils, and the potential for Parish Precepts to be capped in the future.
- (c) Concern that a democratic deficit might exist; and
- (d) That a parished Taunton might benefit more from the double/triple devolution that a Heart of the South West devolution deal could offer.

#### **4.2 Role of Parish Councils**

Parish Council powers are generally the same as those of District Councils. However in reality their lack of resources means they limit themselves to local environmental, community and amenity issues. Powers include:-

- The general power of competence as set out in the Localism Act 2011;
- The Community Right to Bid;
- The Community Right to Challenge;
- The Sustainable Communities Act;
- Parish Town Councils and Councillors acting as trustees for local charities;
- Obtaining and supplying land for allotments if local demand cannot be met;
- Precepting; and
- Raising money from other sources, such as grant-making bodies, Government

initiatives, public subscriptions and even lotteries.

#### 4.3 Creating a new Parish Council

- (a) New Parish Councils can **only** be created after a formal Community Governance Review has been carried out by Taunton Deane Borough Council and its recommendations adopted by the Council.
- (b) A Community Governance Review can be triggered by an appropriate petition or by Taunton Deane Borough Council deciding to carry one out.
- (c) Appendix A contains details of the Community Governance Review process.

#### 4.4 Setting-up costs

- (a) The cost of setting up a Parish Council depended on the ambition for the Council and the activities it would take on. Staffing levels and cost of premises could be lower if these costs were shared with other organisations, such as a District Council.
  - **Morecombe Town Council**, set up in 2009, served a population of approximately 50,000. It was set up with a first year budget of £220,000 funded through a precept. This figure was arrived at to allow a working group of Ward Councillors to consider the scope and role of the new Town Council. The Town Council's proposed 2015/2016 budget was £306,000 (£19.59 per Band D property).
  - **St Austell Town Council**, also set up in 2009, serviced over 22,000 people. A first year budget of £201,000 (£31.82 on a Band D property) was agreed, with in-kind support from Cornwall Council to cover IT and election costs. Noted that St Austell's approved 2015/2016 budget was £546,000, with a precept for £440,000 of that, or £76.98 for a Band D property. This was almost exactly double the 2014/2015 precept.

### 5 Running costs

#### 5.1 Sample of Town Council population size versus running costs.

Town (and year data applies to)	Population (2011 Census)	Council Tax Support Grant	Billing requirement	Band D Precept
Frome (14-15)	26,203	-	£1.02m	£126.68
Salisbury (14-15)	40,302	£106,263	£1.433m	£105
Yeovil (15-16)	40,000	£94,180	£928,868	£95.57
Wells (14-15)	11,343	n/k	£334,634	£89.22
Midsomer Norton (15-16)	10,997	£32,030	£352,052	£86.16
Weston-super-Mare (13-14)	76,143	£238,730	£1.49m	£55.69
Bridgwater (15-16)	35,886	£91,000	£537,810	£49.80

<b>Shepton Mallet (14-15)</b>	10,369	£13,533	£153,694	£48.65
<b>Taunton</b>	64,621	-	-	-

5.2 The group learnt that population size did not correlate to the size of its precept. Neither did budgets correlate to population size. The reasons for this were related to individual Town Council's objectives: budget and precept were naturally higher where the Town Council was doing more.

(a) The group felt that the costs associated with setting up one or more new Parish Councils for Taunton would:-

- Be costly in terms of Community Governance Review, set-up and running costs; and
- Not necessarily be supported by the people of Taunton who would likely have to pay a higher precept than currently if the new council(s) were to have any significant additional impact on Taunton.

(b) The ongoing (at the time of writing) consideration of merging Taunton Deane Borough Council and West Somerset Council; the potential for Local Government reorganisation should the Government wish it; and continuing public sector austerity, suggested that a "wait and see" attitude should be taken.

(c) The group therefore agreed that an incremental approach was advisable. If there was a public desire to parish Taunton (which does not currently appear to be the case), the petitioning mechanism remained open. Furthermore, the recommended new Committee would be able to revisit the issue in the future.

### 5.3 **Alternatives to Parish Councils**

(a) When conducting a Community Governance Review, alternatives and intermediate stages to a parish council must be considered, including:-

- Area committees;
- Neighbourhood management arrangements;
- Tenant management organisations;
- Area/community forums; and
- Residents, tenants or community associations.

(b) Each of the options were considered and most appeared to require a level of public participation that was not guaranteed, and potentially require significant resources to set up and run.

(c) The Group suggested that an initial way forward could be to call half-yearly meetings of the Councillors representing Wards in the unparished area. This new Committee would allow issues affecting this area of Taunton to be discussed.

(d) It was suggested that this Committee could:-

- Take responsibility for the Unparished Area Fund, appropriately ring-fenced so it can be used to support services to a limited degree in the Unparished Area; and

- Replace the Taunton Unparished Area Advisory Panel.

(e) Members were cautioned that if an Unparished Area Committee was formalised than an adequate level of officer support would be essential.

## **6 Links to Corporate Aims / Priorities**

6.1 This report and its recommendations link to the following corporate aims and priorities:

6.2 Key theme 4 “An Efficient and Modern Council”:

**a:** Review how services are delivered, by whom and to what standard in order to best allocate our resources, and.

**d:** Support Members to undertake their roles within their communities through improved access to information.

## **7 Finance / Resource Implications**

7.1 Supporting the proposed new Committee will have financial implications:

(a) Redirection of some of the Unparished Area Fund to fund Secretariat support for the new Committee;

7.2 And resource implications:

(a) Secretariat support and other officer time spent preparing for, attending and responding to the work of the new Committee, which will have a wider remit than just allocating the Unparished Area Precept.

## **8 Legal Implications (if any)**

8.1 There are no legal implications of this report.

## **9 Environmental Impact Implications (if any)**

9.1 There are no environmental impact implications of this report.

## **10 Safeguarding and/or Community Safety Implications (if any)**

10.1 There are no safeguarding or community safety implications of this report.

## **11 Equality and Diversity Implications (if any)**

11.1 There are no equality and diversity implications of this report, however Members of the proposed new Committee will be expected to adhere to the three aims of the Public Sector Duty.

## **12 Social Value Implications (if any)**

12.1 The recommendations in this report have no direct procurement implications; however the advisory capacity of the proposed new group may have an impact on procurements

decisions made regarding allocation of the Unparished Area Precept. These will be considered on a case by case basis.

**13 Partnership Implications** (if any)

13.1 The recommendations do not involve joint-working or funding.

**14 Health and Wellbeing Implications** (if any)

14.1 There are no health and wellbeing implications of the recommendations in this report.

**15 Asset Management Implications** (if any)

15.1 There are no asset management implications of the recommendations in this report.

**16 Consultation Implications** (if any)

16.1 There are no consultation implications of this report and recommendations.

**17 Scrutiny Comments / Recommendation(s)** (if any)

17.1 The Scrutiny Comments and its revised Recommendations are set out in the attached Appendix.

**Democratic Path:**

- **Scrutiny Committee – Yes**
- **Executive – Yes**
- **Full Council – No**

**Reporting Frequency :**    **Once only**    **Ad-hoc**    **Quarterly**  
 **Twice-yearly**    **Annually**

**List of Appendices (delete if not applicable)**

Appendix A	Community Governance Reviews
Appendix B	Membership of the Task and Finish Group and others who attended

**Contact Officers**

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# Appendix A

## **Creating new Parish Councils: Community Governance Review**

Parish Councils can only be created, merged or abolished after a Community Governance Review. The Local Government and Public Involvement in Health Act 2007 allows Taunton Deane Borough Council to decide the terms of reference for such a review. The terms of reference must specify the area under review and must be published. Taunton Deane Borough Council would be responsible for reviewing the Taunton Unparished Area.

## **Triggering a Review**

A Community Governance Review can be triggered by a petition, or by the local authority deciding to carry out a review. If triggered by a petition, the petition must have sufficient signatures, specify the area being recommended for a review, at least one recommendation that the review should consider making.

Thresholds for a valid petition are currently:-

- For an area with less than 500 local electors, the petition must be signed by at least 50% of them;
- For an area with between 500 and 2,500 local electors, the petition must be signed by at least 250 of them;
- For an area with more than 2,500 local electors, the petition must be signed by at least 10% of them.

## **Who must the Review consult?**

Local people and the County Council must be consulted during the review, and the Council must take account of that consultation and any other representations. The Council must have regard to the identities and interests of the community in the area under review, and the need to make community governance in that area effective and convenient.

## **What must the Review look at?**

The wider community governance 'picture' must be considered during the review. In some areas there may be well established forms of community governance such as local residents' associations or community forums which help make a distinct contribution to the community.

The Review must consider the impact on community cohesion of community governance arrangements, including size, population and boundaries of a local community or parish.

## **Making recommendations**

Community Governance Reviews make recommendations as defined by the terms of reference set at the start of the review.

- [An example of terms of reference for a Community Governance Review.](#)
- [An example of Community Governance Review Recommendations.](#)

Recommendations must state:-

- Whether a new Parish or any new Parishes should be constituted.
- Whether existing Parishes should or should not be abolished or whether the area of existing Parishes should be altered; or,
- What the electoral arrangements for new or existing Parishes, which are to have Parish Councils, should be.

It may also make recommendations about:-

- Grouping or degrouping Parishes;
- Adding Parishes to an existing group of Parishes; or,
- Making related alterations to the boundaries of the district's electoral areas.

The Council must then decide whether to implement the review or not. It will then make the appropriate Orders and inform the relevant parties as outlined by legislation.

### **How long can the Review last?**

The Corporate Governance Review must be completed within 12 months of its start, including any recommendations to the Boundaries Commission to amend Ward or Division Boundaries. All local consultation must also be completed within the 12 month period.

## Appendix B

<b>Taunton Deane Borough Councillors who sat on the Task and Finish Group</b>
Councillor G Wren (Chairman)
Councillor Mrs J Allgrove
Councillor T Davies
Councillor T Hall
Councillor R Lees
Councillor Ms L Lisgo, MBE
Councillor H Prior-Sankey
Cllrs Hall and Davies replaced Councillors Mrs Allgrove and Lees from 23 March 2016 onwards

<b>Taunton Deane Borough Councillors not sitting on the Task and Finish Group but who attended meetings</b>
Councillor P Berry
Councillor S Coles
Councillor J Horsley

<b>Other interested parties / members of the public who attended and participated</b>
Anne Elder, Chairman of the Standards Advisory Committee
Roger House, Chairman of Priory Community Association and Secretary of Victoria Park Action Group
David Mitton, Chairman of the Somerset Association of Local Councils
Justin Robinson, Chief Executive Officer of the Somerset Association of Local Councils

## Appendix

### Parishing the Unparished Area of Taunton Task and Finish Group

#### The views of the Community Scrutiny Committee made at its meeting held on 1 November 2016 and details of its recommendations

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

- The conclusions of the report were welcomed. However the Merger Decision which had taken place after the Group's report, had raised a number of questions about representation in the Unparished Area which would need to be addressed.
- The majority of Councillors on Taunton Deane represented parished areas. It would be iniquitous if these Councillors denied the opportunity of a local Council being established in the Unparished Area.
- The ultimate goal was a Town Council structure for Taunton although it was recognised that there was not an enormous outcry for such provision.
- The idea of introducing several Parish Councils to cover the Unparished Area was not a good idea. This could result in parishes perhaps competing with each other over many issues, which would be the least helpful outcome.
- It was confirmed that in any future merger discussions, the new Unparished Area Committee ought to be the place to decide the best model going forward. With such a key role the Committee would probably need to meet a lot more often than half-yearly.
- The issue of addressing the likely democratic deficit if a new district Council was formed was considered to be very important. Such a merger would leave Taunton in a precarious position electorally, with most other principal towns within the new area having a lower subset of representation that Taunton did not currently have.
- A new district Council – because of its size geographically – might not be in a position to deal with specific issues such as Taunton High Street, Christmas lights or Britain in Bloom. These were the type of issues which a Town Council could deal with.
- The Boundary Commission would not be looking at the issue of parishing as part of its task dealing with the proposed new district Council.
- Perhaps a Community Governance Review should run alongside the merger process?
- There was little point in referring this matter back to the Task and Finish Group for further consideration. It was clear that the proposed Area Committee was the next step in the evolution of this issue for now.

- The Advisory Panel was likely to become the consultee as to how funding derived from the Community Infrastructure Levy should be spent within the Taunton Unparished Area.
- Concern was expressed as to the difficulty of convincing Council Tax payers in the Unparished Area to support the notion of spending more money for services.
- Should the new Area Committee appoint someone to act in a similar way to a Parish Clerk paid for from the Unparished Area Fund?
- It was felt that the recommendations were more democratic and universal than the current system, and the proposals appeared to be sounder than how the current Taunton Unparished Area Advisory Panel was operated.
- It was felt that rural Parishes in Taunton Deane had a commonality of interest and purpose which was likely to be replicated within the Unparished Area if a Town / Parish Council(s) was introduced.
- Should a new district Council be established, Taunton which currently accommodated 38% of the population of Taunton Deane would have no leadership.
- There was concern that in the future people from Minehead/Exmoor would be taking decisions about Taunton without full knowledge of the issues affecting the town and/or the benefit of the views of local representation.
- Members were informed that a Chairman of a Town Council could style themselves as Mayor without having to seek Borough Status.

**Resolved that:-**

- (a) The Executive be recommended to accept the following recommendations from the Parishing the Unparished Area of Taunton Task and Finish Group:-
- (1) That a new Committee be established comprising all Borough Councillors in the Taunton Unparished Area to:-
- Replace the Taunton Unparished Area Advisory Panel;
  - Discuss and advise Taunton Deane Borough Council on issues in the Taunton Unparished Area;
  - Consider using the available funding derived from the Unparished Area Special Expenses Precept and from the Community Infrastructure Levy to partly support the existing grant scheme and to support more strategic schemes or existing services in the Unparished Area of Taunton; and
  - Determine its Terms of Reference and meeting requirements; and
- (2) That Taunton Deane Borough Council be requested to provide officer support for the new Committee at the lowest possible cost to be funded from the Unparished Area Precept Fund, for costs over and above the existing costs for supporting the Taunton Unparished Area Advisory Panel.

- (b) The Executive be also recommended to agree that, with the likelihood of a new District Council being formed with West Somerset Council, a Community Governance Review be commenced at the earliest opportunity to consider the establishment a Town Council for Taunton, with a further view to achieving Borough Status for the town to provide a democratic and civic focus.