

## **Record of Decision taken by Chief Executive and Deputy Monitoring Officer (DMO)**

**Decision title: Amendment to the Terms of Reference for the Community Governance Review of Taunton and surrounding parishes, specifically the Timetable.**

**Chief Executive and DMO making the decision: Andrew Pritchard (CEO) & Kevin Williams (Deputy Monitoring Officer)**

**Author Contact Details: Marcus Prouse – Specialist - Governance**

**Date of Decision: 23<sup>rd</sup> February 2022**

### **Details of decision:**

The CEO, in conjunction with the Deputy Monitoring Officer, have, after consultation with the CGR Working Group, and after receiving external legal advice, decided to amend the Terms of Reference of the current Review, specifically the timetable, to defer the commencement of Stage 2 Consultation until May 2022. Stage 2 will now take place after the elections to the new Somerset Council. This is also as per the request of the Leader of the County Council and also prevents the consultation in any way overlapping with the Pre-Election period.

At the meeting of the Full Council on 19<sup>th</sup> October 2021, Council resolved to support the following resolution:

*e) To authorise a general delegation to the Chief Executive Officer and Deputy Monitoring Officer, after consultation with the Community Governance Review Working Group to take such action as necessary to progress the community governance review and amend the timetable in accordance with legislation and the statutory guidance.*

This decision is a delegated decision to be taken with authority from Full Council and as such, is not subject to the Call-in procedure applying to Executive Portfolio Holder decisions and as such will come into force immediately.

### **Reasons for proposed decision:**

The stage two consultation, which was planned to last for six weeks, was adequate in length. The consequence of the decision to issue the declaration of poll on 21st March 2022 is that the stage two consultation must terminate before 21st March 2022. This is beyond legal dispute. On this basis the stage two consultation could only run for at most five and a half weeks. This is a shade too short for a consultation of this kind and is inadequate. It would open the council to a serious risk of legal challenge. It is not legally permissible to start the stage two consultation under the current timetable, suspended during purdah, and re-commence it after the May election.

A Special Full Council, on a preferred option, can be held, as long as that decision is made and publicised before 21st March 2022. Thereafter the Council will conduct the stage two consultation after the May elections.

There is a statutory process which has to be followed in order to progress the review which started with the publication of the Terms of Reference for the Review (amended version attached to this Record of Decision).

**Alternative options considered and rejected:**

A range of alternative options were discussed at the Working Group meeting on 18<sup>th</sup> January 2022. Notes of this meeting are attached to this decision notice.

<b>The below has been completed:</b>	<b>Name(s)</b>	<b>Date</b>
Relevant Portfolio Holder(s) consulted	Leader of the Council	25/01/22
Relevant ward councillor(s) informed	Cllrs B Weston, L Baker, S Wakefield, D Johnson, C Ellis, M Peters, H Farbahi, S Nicholls, T Deakin, C Booth, F Smith-Roberts, S Lees, R Lees, F Smith, D Darch, E Firmin, M Hill, H Prior-Sankey, A Pritchard, R Tully, D Wedderkopp.  All other ward Councillors are part of the Working Group.	25/01/22
<b>The following are if appropriate / applicable: Yes/No. If yes the implications should be attached to this decision notice.</b>		
Finance implications	N/A	
Legal implications	The Community Governance Review is being 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.	Yes
Links to corporate aims	This is a key project for 2021-22 within the Internal Operations Directorate Plan and links to the Corporate Strategy.	Yes
Safeguarding/ Community Safety implications	None	
Climate and Sustainability implications	None	


<p>Equalities Impact</p> <p>Safeguarding Implications</p>	<p>These have been addressed in the Equality Impact Assessment appended to the October 2021 Council report</p>	<p>Yes</p>
<p>Risk management</p>	<p>Any risks associated with this Review have been discussed clearly with the Member Working Group as the meetings have proceeded so that the Councillors on the Group could take an informed judgement of the situation.</p>	<p>Yes</p>
<p>Partnership implications</p>	<p>Appropriate consultation will take place with local Councils and others as part of the Community Governance Review process. Discussions with the Boundary Commission and Somerset County Council have taken place since July 2021. A pre-consultation meeting with representatives of the eight parish areas and the Taunton Charter Trustees was held on 3/11/21</p>	<p>Yes</p>

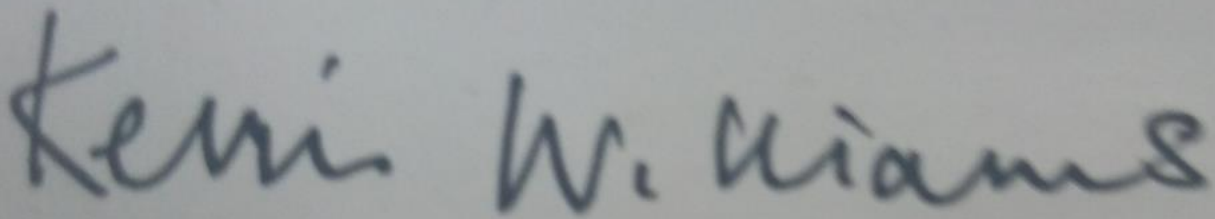
**Any conflicts of interest declared by Leader or Portfolio Holders consulted on the proposed decision. If Yes provide confirmation from Chief Executive to grant dispensation for the Leader's / Portfolio Holder's views to be considered. N/A**

**Decision Maker**

**I am aware of the details of this decision(s), considered the reasons, options, representations and consultation responses and give my approval / agreement to its implementation.**

**Signed:**



A rectangular box containing a handwritten signature in black ink on a light grey background. The signature reads "Kemi W. Williams".

**Date: 23<sup>rd</sup> February 2022**

Note – This decision record is for decisions taken by Chief Executive/Director. The decision(s) can be implemented in accordance with the approved delegations.

Appendix 1 – Amended Terms of Reference for the Community Governance Review Document

Appendix 2 - Notes of CGR Working Group 18.01.22

**Note:** A copy should also be sent to the Governance Team – [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)