

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Somerset (Somerset West and Taunton) (Reorganisation of Community Governance) Order 2022

Made *(insert date of SCC meeting that makes the Order)*

Coming into force in accordance with article 1(2)

Somerset West and Taunton District Council, in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'), has undertaken a community governance review and made recommendations dated 29 September 2022. In accordance with section 93 of the 2007 Act, Somerset West and Taunton District Council has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient.

In accordance with Regulation 7(2) of the Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008, Somerset County Council ('the council') has decided to give effect to the recommendations of the community governance review undertaken by Somerset West and Taunton District Council.

Somerset West and Taunton District Council and Somerset County Council have, in accordance with section 100 of the 2007 Act, each had regard to guidance issued under that section.

The council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4), 98(6) and 240(10) of the 2007 Act.

Citation and commencement

1. (1) This Order may be cited as the Somerset (Somerset West and Taunton) (Reorganisation of Community Governance) Order 2022.

(2) Subject to paragraphs (3) and (4) below, this order comes into force on 1st April, 2023.

(3) Article 12 shall come into force on the ordinary day of election of councillors in 2027.

(4) For the purposes of:
 - (a) this article;
 - (b) article 7;
 - (c) proceedings preliminary or relating to the elections of parish councillors for the parish of Taunton, to be held on the ordinary day of election of councillors in 2023; and
 - (d) proceedings preliminary or relating to the elections of parish councillors for the parishes of Cheddon Fitzpaine, Kingston St Mary and Trull, to be held on the ordinary day of election of councillors in 2027,

this Order shall come into force on the day after that on which it is made.

2. In this Order-

'county' means the county of Somerset;

'district' means the district of Somerset West and Taunton;

'existing' means existing on the date this Order is made;

'map' means the map marked 'Map referred to in the Somerset (Somerset West and Taunton) (Reorganisation of Community Governance) Order 2022' and deposited in accordance with section 96(4) of the 2007 Act; and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;

'new parish' means the parish constituted by article 4;

'ordinary day of election of councillors' has the meaning given by section 37 of the Representation of the People Act 1983; and

'registration officer' means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

Effect of Order

- 3.** This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

Constitution of a new parish

- 4.** (1) A new parish, comprising the area outlined with a black line on the map (*insert sheet no.*), shall be constituted within the county.

(2) The name of the new parish shall be Taunton.

(3) In consequence of paragraph (1) of this article, the areas outlined as follows on the map (*insert sheet no.*) shall cease to be parts of the existing parishes shown:

- (a) The areas outlined with a (*insert colour no. 1*) line on the map shall cease to be part of the existing parish of Bishops Hull;
- (b) The area outlined with a (*insert colour no. 2*) line on the map shall cease to be part of the existing parish of Cheddon Fitzpaine;
- (c) The area outlined with a (*insert colour no. 3*) line on the map shall cease to be part of the existing parish of Comeytrowe;
- (d) The area outlined with a (*insert colour no. 4*) line on the map shall cease to be part of the existing parish of Kingston St Mary;
- (e) The area outlined with a (*insert colour no. 5*) line on the map shall cease to be part of the existing parish of Staplegrove;
- (f) The areas outlined with a (*insert colour no. 6*) line on the map shall cease to be part of the existing parish of Trull;
- (g) The area outlined with a (*insert colour no. 7*) line on the map shall cease to be part of the existing parish of West Monkton.

Transfer of areas between existing parishes and alteration of parish areas and the areas of parish wards

5. Each area shaded and designated by a letter on the map and specified in column (1) of Schedule number 1 shall cease to be part of the parish and parish ward specified in relation to that area in columns (2) and (3) of the Schedule and shall become part of the parish and where applicable parish ward specified in relation to that area in columns (4) and (5) of the Schedule.

Abolition of parishes

6. Consequent upon the transfer of all parts of their respective areas to other parishes, the parishes of Comeytrove and Staplegrove shall be abolished and their respective parish councils dissolved.

Calculation of budget requirement

7. For the purposes of Regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008 there is specified in relation to the parish of Taunton in the year 2023/24 the sum of £2.114m.

Parish council for the parish of Taunton

8. (1) There shall be a parish council for the parish of Taunton.
(2) The name of that council shall be 'Taunton Parish Council'.

Elections for the parish of Taunton

9. Elections of all parish councillors for the parish of Taunton shall be held simultaneously on the ordinary day of election of councillors in 2023 and subsequently according to the established system of parish elections in 2027 and every fourth year thereafter.

Wards of the parish of Taunton and numbers of parish councillors

10. (1) The parish of Taunton shall be divided into 14 wards which shall be named as set out in column (1) of Schedule number 2.
(2) Each ward shall comprise the area designated on the map (*insert sheet no.*) by reference to the name of the ward and demarcated by (*insert colour*) lines.
(3) The number of councillors to be elected for each ward shall be the number specified in respect of the ward in column (2) of Schedule number 2.

Annual meeting of Taunton parish council

11. The annual meeting of the new parish council in 2023 shall be convened by the Chief Executive Officer of the Somerset Council. The meeting shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

Electoral arrangements of Cheddon Fitzpaine Parish and Trull Parish

12. (1) The parish of Cheddon Fitzpaine shall not be divided into wards
(2) The number of councillors to be elected for Cheddon Fitzpaine Parish shall be five.

(3) The parish of Trull shall not be divided into wards.

(4) The number of councillors to be elected for Trull Parish shall be nine.

Electoral register

13. The registration officer for Somerset West and Taunton Council (until 31 March 2023) and the registration officer for the Somerset Council (from 1 April 2023) shall each make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order

Transfer of land, property, services, funds, responsibilities and/or other matters

14. The land, property, services, historical and ceremonial property, funds and balances, maintenance or other responsibilities and/or other matters described in column (1) of Schedules 3 to 7 shall transfer from the principal council or parish council or other body specified in relation to that land, property, service, historical or ceremonial property, fund or balance, maintenance or other responsibility and/or other matter in column (2) of the Schedule to the parish council specified in relation to that land, property, service, historical or ceremonial property, fund or balance, maintenance or other responsibility and/or other matter in column (3) of the Schedule on the date specified in column (4) of the Schedule.

Charter Trustees of the Town of Taunton

15. (1) Any officers appointed by the charter trustees for the proper discharge of their functions who hold office immediately before the date of dissolution of the charter trustees ('the date of dissolution') shall by virtue of this Order be transferred on the date of dissolution and on the same terms and conditions of appointment to the employment of the Taunton Parish Council.

(2) Any powers to appoint local officers of dignity exercisable by the charter trustees immediately before the date of dissolution shall be exercisable by the Taunton Parish Council.

(3) Any functions that would have been exercisable in relation to the account of the charter trustees or as the case may be their responsible financial officer if the charter trustees had not been dissolved shall on and after the date of dissolution be exercisable by the Taunton Parish Council or as the case may be the parish council's responsible financial officer.

Transitional provision

16. Until the councillors elected to the council of the new parish of Taunton at the elections to be held on the ordinary day of election of councillors in 2023 come into office, the new parish shall be represented by those persons who immediately before 1 April 2023 are elected county councillors for all divisions all or part of which fall within the area of the new Taunton Parish and/or are members of the Charter Trustees for Taunton, together with up to two persons to be nominated before 31 March 2023 by Comeytrowe Parish Council, up to one person to be nominated before 31 March 2023 by Staplegrove Parish Council and up to one person to be nominated before 31 March 2023 by Cheddon Fitzpaine Parish Council.

Order date

17. 1st April 2023 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

Sealed with the seal of the council on the day of (*month*) year)

[Date]

[Signature]
[Title of signatory]

MEMORANDUM OF UNDERSTANDING RELATING TO LAND AND PROPERTY HELD AND SERVICES DELIVERED BY SOMERSET WEST AND TAUNTON DISTRICT COUNCIL TO BE TRANSFERRED TO TAUNTON PARISH COUNCIL

(This memorandum of understanding is not part of the Order)

As a matter of law and fact allotments within the area of the new Taunton Parish and civic regalia relating to the mayoralty of Taunton will transfer automatically to the new Taunton parish Council by virtue of statute (Regulation 9 and 15 of the Local Government (Parishes and Parish Councils) (England) Regulations 2008 No 625).

In relation to other land, property and services held by Somerset West and Taunton District Council and services administered by them, which will automatically transfer to Somerset Council under the terms of the Somerset (Structural Changes) Order 2022, there are discussions between Somerset County Council (the continuing authority) and Somerset West and Taunton Council, as to the transfer of certain land, property and services to the new Taunton Parish Council subject to its establishment from 1st April 2023. These assets will automatically transfer to the new Unitary Council on 1st April 2023 from SWT.

There are two options:

- a) In the event that the County Council Executive in its discretion, decides (on a date to be settled) that there shall be a schedule of Assets and Services to be transferred to the new Taunton Parish Council, then, this list shall be set forth in Schedule 3 to the Reorganisation Order. It will not form part of the Order to be made by the continuing authority since the transfer will be an Executive function reserved to the Executive of SCC. It will however, give a clear indication of the intentions of the continuing authority to transfer the assets subject to the making of the Order. The decision making body for such transfer is the Executive of Somerset County Council.
- b) In the event that the Executive of the County Council do not agree in principle such transfers prior to the of the Reorganisation Order being made, then the position will be as follows: The sole assets to be transferred shall be the allotments and civic regalia. Such further transfers that may take place will be a matter for the relevant bodies.

SCHEDULE [1]

Article 5

ALTERATION OF AREAS OF PARISHES AND PARISH WARDS

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)
Area(s) (as indicated on map)	Parish from which omitted	Parish ward from which omitted	Parish to which added	Parish ward to which added
'A'	<i>Comeytrowe</i>	<i>Not applicable</i>	<i>Taunton</i>	<i>Comeytrowe</i>
'B'	<i>Trull</i>	<i>Killams</i>	<i>Taunton</i>	<i>Vivary</i>
'C'	<i>Trull</i>	<i>Trull</i>	<i>Taunton</i>	<i>Comeytrowe</i>
'D'	<i>Not applicable</i>	<i>Not applicable</i>	<i>Trull</i>	<i>Not applicable</i>
'E'	<i>Cheddon Fitzpaine</i>	<i>Maidenbrook</i>	<i>Taunton</i>	<i>Maidenbrook</i>
'F'	<i>Staplegrove</i>	<i>Not applicable</i>	<i>Taunton</i>	<i>Staplegrove</i>
'G'	<i>Staplegrove</i>	<i>Not applicable</i>	<i>Norton Fitzwarren</i>	<i>Not applicable</i>
'H'	<i>Staplegrove</i>	<i>Not applicable</i>	<i>Kingston St Mary</i>	<i>Not applicable</i>
'I'	<i>Kingston St Mary</i>	<i>Not applicable</i>	<i>Taunton</i>	<i>Staplegrove</i>
'J'	<i>Bishops Hull</i>	<i>Not applicable</i>	<i>Taunton</i>	<i>Comeytrowe</i>
'K'	<i>Not applicable</i>	<i>Not applicable</i>	<i>Bishops Hull</i>	<i>Not applicable</i>
'L'	<i>Bishops Hull</i>	<i>Not applicable</i>	<i>Norton Fitzwarren</i>	<i>Not applicable</i>
'M'	<i>Norton Fitzwarren</i>	<i>Not applicable</i>	<i>Bishops Hull</i>	<i>Not applicable</i>
'N'	<i>West Monkton</i>	<i>Not applicable</i>	<i>Taunton</i>	<i>Halcon & Lane</i>
'O'	<i>Cheddon Fitzpaine</i>	<i>Maidenbrook</i>	<i>West Monkton</i>	<i>Not applicable</i>
'P'	<i>Bishops Hull</i>	<i>Not applicable</i>	<i>Taunton</i>	<i>Manor & Tangier</i>
'Q'	<i>Cheddon Fitzpaine</i>		<i>Taunton</i>	<i>Wellsprings & Rowbarton</i>
'R'	<i>Cheddon Fitzpaine</i>		<i>Taunton</i>	<i>Pyrland</i>

SCHEDULE [2]

Article 10

WARDS OF THE PARISH OF TAUNTON

NAMES AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS

Column (1)	Column (2)	Column (3)
Name of Ward	Area of Ward	Number of Councillors
<i>Blackbrook & Holway</i>	<i>The district ward of Blackbrook & Holway</i>	2
<i>Comeytrowe</i>	<i>As indicated on map</i>	2
<i>Halcon & Lane</i>	<i>As indicated on map</i>	2
<i>Lyngford</i>	<i>As indicated on map</i>	1
<i>Maidenbrook</i>	<i>As indicated on map</i>	1
<i>Manor & Tangier</i>	<i>As indicated on map</i>	1
<i>North Town</i>	<i>The district ward of North Town</i>	1
<i>Obridge</i>	<i>As indicated on map</i>	1
<i>Pyrland</i>	<i>As indicated on map</i>	1
<i>Staplegrove</i>	<i>As indicated on map</i>	1
<i>Victoria</i>	<i>The district ward of Victoria</i>	2
<i>Vivary</i>	<i>As indicated on map</i>	2
<i>Wellsprings & Rowbarton</i>	<i>The district ward of Wellsprings & Rowbarton</i>	2
<i>Wilton & Sherford</i>	<i>As indicated on map</i>	1

SCHEDULE [3]

Article 14

LAND, PROPERTY AND SERVICES TO BE TRANSFERRED

Column (1)	Column (2)	Column (3)	Column (4)
Land, property and services to be transferred	To be transferred from	To be transferred to	Date
<p><i>To insert above:</i></p> <ul style="list-style-type: none"> - <i>All land and property held and services delivered by any of the existing parish councils in the area under review relating to any area that as a consequence of this Order is transferred from one parish to another.</i> - <i>Any land and property held by the Charter Trustees for Taunton</i> - <i>Any interests in land used for allotments within the area of the new Taunton parish</i> - <i>Any assets that are agreed by the Executive of Somerset County Council to transfer to the new Taunton Parish Council pursuant to the memorandum of understanding issued alongside this order.</i> 			

SCHEDULE [4]

Article 14

HISTORICAL AND CEREMONIAL PROPERTY TO BE TRANSFERRED

Column (1)	Column (2)	Column (3)	Column (4)
Historical and ceremonial property to be transferred	To be transferred from	To be transferred to	Date
<p><i>To insert above:</i></p> <ul style="list-style-type: none"> - <i>All historical and ceremonial property held by the Charter Trustees for Taunton</i> 			

SCHEDULE [5]

Article 14

FUNDS AND BALANCES TO BE TRANSFERRED

Column (1)	Column (2)	Column (3)	Column (4)
Funds and balances to be transferred	To be transferred from	To be transferred to	Date
<p><i>To insert above:</i></p> <ul style="list-style-type: none"> - Any funds and balances held by any of the existing parish councils in the area under review relating to any area that as a consequence of this Order is transferred from one parish to another. - Any funds and balances held by the Charter Trustees for Taunton <p><i>(If none, Schedule to be deleted)</i></p>			

SCHEDULE [6]

Article 14

MAINTENANCE [OR OTHER] RESPONSIBILITIES TO BE TRANSFERRED

Column (1)	Column (2)	Column (3)	Column (4)
Maintenance [or other] responsibilities to be transferred	To be transferred from	To be transferred to	Date
<p><i>To insert above:</i></p> <ul style="list-style-type: none"> - Any maintenance or other responsibilities of the existing parish councils in the area under review relating to any area that as a consequence of this Order is transferred from one parish to another. - Any maintenance or other responsibilities held by the Charter Trustees for Taunton - Any maintenance or other responsibilities that are agreed to transfer to the new Taunton Parish Council consequent on any transfers of land, property and/or services that that are agreed by the Executive of Somerset County Council to transfer pursuant to the memorandum of understanding issued alongside this order. <p><i>(If none, Schedule to be deleted)</i></p>			

SCHEDULE [7]

Article 14

[OTHER MATTERS] TO BE TRANSFERRED

Column (1)	Column (2)	Column (3)	Column (4)
[Other matters] to be transferred	To be transferred from	To be transferred to	Date

To insert above:

- *Any other matters to be transferred from one parish council or other body to another consequent on or pursuant to this Order.*

(If none, Schedule to be deleted)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations made by Somerset West and Taunton District Council for the creation of the new parish of Taunton and the creation of a council for that new parish; the alteration of the areas of the parishes of Bishops Hull, Cheddon Fitzpaine, Kingston St Mary, Norton Fitzwarren, Trull and West Monkton; and consequent upon all parts of their areas being transferred to other parishes, the abolition of the parishes of Comeytrowe and Staplegrove and the dissolution of their respective parish councils within the district of Somerset West and Taunton in the county of Somerset.

The parish of Taunton will be created with effect from 1 April 2023. The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2023.

Article 9 provides for parish elections in the parish of Taunton in 2023, and then to continue according to the established system of parish elections every four years.

Article 10 specifies the numbers of parish councillors for the new parish of Taunton.

Article 10 and the map (*insert sheet no.*) establish the names and areas of the wards of the new parish of Taunton and the numbers of councillors for each ward.

Article 13 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

The map defined in article 2 shows the new parish boundaries and the boundaries of the wards of the parish of Taunton. It is available, at all reasonable times, at the offices of Somerset County Council.