

# Somerset West and Taunton Council

## Full Council – 27 July 2021

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

This matter is the responsibility of the Community Governance Review Working Group

Report Author: Marcus Prouse (Specialist – Governance and Democracy)

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

1.1 The purpose of this report is to recommend to Members to formally commence the Community Governance Review for the Unparished Area of Taunton by approving the Terms of Reference (TOR), as well as the associated Consultation wording and Communications and Consultation Plan to enable the Council to undertake the first and subsequent phases of Consultation. A recommendation is also made to prudently allocate a figure for consultancy support and consultation materials to enable the delivery of the Council's aims in relation to this matter.

1.2 The Working Group keenly acknowledged the existing anomaly of the Unparished status of the central area of Taunton - a result of local government reorganisation in 1974. As the only part of the whole county of Somerset not to be parished, it was also understood by the membership that there was an urgent need to undertake the Review without further delay. The Working Group has discussed the option of a review which covered the existing Unparished area as well as the adjoining parishes. However, it was felt in line with the resolution of Council on the 31<sup>st</sup> March 2021, that a wider boundary review of the Unparished Area should not be undertaken at this stage.

#### 2.0 Recommendations

##### 2.1 That Council resolve that:

- a) The Terms of Reference set out at Appendix 1 to this report be approved for formal publication on 28<sup>th</sup> July 2021.
- b) The Consultation wording set out at Appendix 2 to this report be approved for use as the basis for all communications in respect of the Community Governance Review, with authority delegated to the Specialist in Governance and Democracy to make minor amendments to the text if required, in consultation with the Community Governance Review Working Group.
- c) The Communications and Consultation Plan set out at Appendix 3 to this report be approved, with authority delegated to the Specialist in Governance and

Democracy to make minor amendments to the text if required, in consultation with the Community Governance Review Working Group.

To note:

- d) It is estimated that external costs of up to £34,000 may be required for this review. Internal Operations will look to fund this within existing resource and will report via monthly budget monitoring.

### **3.0 Risk Assessment**

- 3.1 Any risks associated with this Review will be picked up and managed with the Member Working Group. An Equalities Impact Assessment (EQIA) is appended to this report.
- 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, which has been an ongoing process since the Council meeting in March where this project was approved.

### **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 At the Somerset West and Taunton Council meeting on 30<sup>th</sup> March 2021, the Council resolved that "a Community Governance Review (CGR) of the Unparished Area of Taunton was commenced with a view to creating a new Town or Parish Council(s) from 1<sup>st</sup> April 2023.
- 4.3 It was also resolved that a cross party Members Working Group was 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). This Group has met three times since then and their notes are attached.
- 4.4 The Member Working Group has approved this report and recommendations to Full Council (via the Taunton Charter Trustees) with regard to proposals for Terms of Reference for the review, and will do so for proposals for consultation, any amendments to proposals after the public consultation, and the implementation of the final review recommendations.
- 4.5 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.
- 4.6 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.

- 4.7 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**

- 4.8 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.
- 4.9 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**

- 4.10 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 has helped to frame suitable terms of reference which should be appropriate to local people and reflect the specific needs of the community. The Member Working Group has worked with officers to draft the Terms of Reference appended.

### **Community Governance Review process**

- 4.11 There are a number of stages to the process of conducting a Community Governance Review which are set out in the Revised Timetable in the Appendices.
- 4.12 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**

- 4.13 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.
- 4.14 There are also various bodies that must be notified of the changes including the Local Government Boundary Committee for England.

## **Unitary Somerset**

- 4.15 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.
- 4.16 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**

The Association of Electoral Administrators have recommended that to complete this review we will need the additional support of 25 days from a specialist consultant, estimated at costing between £12,000 and £20,000, plus £12,000 to fund consultation material, to include a letter and leaflet to every household in the review area.

In addition to the current resource provided from within the Governance team, the project will require support from internal colleagues including IT; (to set up a website page), finance, legal, PMO and people.

The project group will need to scope what is required and secure the internal and external resource required.

Funding identified to date, being between £24,000 to £32,000 will be met from within the Internal Operations Directorate and will be reported as part of the budget monitoring process.

**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** -These have been addressed in the appended Equality Impact Assessment.

**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 and this is set out in the Communications and Consultation Plan appended.

**13.0 Health and Wellbeing Implications - None**

**14.0 Asset Management Implications - None**

**15.0 Data Protection Implications** – The Council will comply with GDPR in respect of the Consultation and Communications Plan.

**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 – Terms of Reference
Annex 2	Consultation Document
Annex 3	Consultation and Communications Plan
Annex 4	Revised Timetable
Annex 5	Notes of the Community Governance Review Working Group x 3
Annex 6	Equality Impact Assessment

**Contact Officers**

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