

Shadow Taunton Town Council

31 January 2023

Civic Activity in Taunton from Vesting Day to the AGM

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1 Executive Summary / Purpose of the Report

- 1.1 This report sets out a proposal to ensure the continuation of the civic activity associated with the historic Taunton Mayoralty in the period between the dissolution of the Charter Trustees for Taunton and the Annual General Meeting of the newly created Taunton Town/Parish Local Government Area, which will be required to take place within fourteen days of the elections on Thursday 4th May 2023. (1st April – 18th May 2023).
- 1.2 There is a need to ensure there is continuity in the performance of the role with no perceptible gap/loss in service in the representative and traditional role that the Mayoralty performs. As the period falls almost entirely within the Pre-Election Period the Civic Office be cognisant of their communications in this period. Both the current Mayor and Deputy Mayor (along with the 23 other Shadow Town Councillors) become temporary Taunton Parish Councillors on 1st April as per the terms of the Re-Organisation Order and the proposed solution allows the current occupant to complete a full municipal year in the role.
- 1.3 There is a recent precedent with the formation of Somerset West and Taunton Council in 2019 leading to a similar gap upon the dissolution of Taunton Deane Borough Council. In that circumstance the use of Past Mayors for Civic activity was utilised in the intervening period before the first AGM of the Charter Trustees for Taunton.

2 Recommendations

- 2.1 It is recommended that the Shadow Town Council note that;
- 2.2 The current Mayor of Taunton, Cllr Susan Lees, continues to undertake Civic Activity on an honorary basis for Taunton Parish Council as most recent Past Mayor until the election of a new Mayor of Taunton at the Annual General Meeting in May 2023.
- 2.3 In the event of Cllr Lees's unavailability, the Civic Specialist will offer bookings to the most recent Deputy Mayor, Cllr Brenda Weston in the first instance as is done currently. If they are unavailable other Past Mayors of Taunton/Taunton Deane will be contacted for their availability to support.
- 2.4 Officers supporting The Charter Trustees for Taunton to investigate the process, if necessary, around appointing the current Mayor as a local officer of civic dignity

temporarily (such appointment to expire on the appointment of the new mayor of the town council).

- 2.5 Subject to the agreement of the appointed Town Council Clerk and the relevant Somerset Council Line Manager, that the SWT Civic and Engagement Specialist is agreed to continue supporting the Taunton Mayoral/Civic diary for at least this initial period to ensure continuity of service.

3 Risk Assessment

- 3.1 If the Civic Office declines invitations to events and other related mayoral activity, there is a reputation risk to the Mayoralty at a period of change due to local government re-organisation. This in turn could reflect poorly on the newly created Town Council. There are civic visits planned in April by dignitaries from abroad and without a Civic figurehead for Taunton there is a risk the reputation of the Mayoralty and the maintenance of these links is diminished.

4 Background and Full details of the Report

Role of the Mayor

- 4.1 As Taunton's first citizen, the main role of the Mayor is to act as the non-political, Civic and Ceremonial Head of the Town of Taunton. The central role of the Mayor is as a representative for the local community and local democracy. The Office of Mayor can be used to:-

- Champion causes/charities, raising their profile;
- Celebrate success;
- Be the face of the town in times of sadness;
- Welcome visitors on behalf of the town.

- 4.2 The Mayor is currently responsible for:

- Presiding over meetings of the Charter Trustees;
- Encouraging Citizenship and Participation in the life of the town; and
- Promoting the Council at all functions attended.

- 4.3 The Office of Mayor in most modern English boroughs and towns does not entail any important administrative duties. It is generally regarded as an honour conferred for local distinction, long service on the Council, or for past services. The job of the Mayor is more important than the personal views of the person who is in the role. The Mayor is a public figurehead and will be open to scrutiny when in the public domain.

The Charter Trustees for Taunton

- 4.4 The Charter Trustees for Taunton, which have been in existence since 2019 following the dissolution of Taunton Deane Borough Council, are the sixteen Somerset West and Taunton District Councillors elected to represent wards in the unparished area of Taunton. All Charter Trustees are now, by virtue of where they represent, Shadow Taunton Town Councillors.

- 4.5 Charter Trustees as bodies are sporadically in place throughout the country and exist in

an area where there is no town or parish council of its own. They are set up to maintain the continuity of a town charter after a district with the status of a borough or city has been abolished, until such time as a parish council is established. There are currently seventeen charter trustee towns in existence in the country.

- 4.6 The Taunton Charter Trustees elect a Mayor and Deputy Mayor for Taunton each year. The Charter Trustees and the mayoralty are funded through a local tax, or precept, charged to Council taxpayers in the unparished area of Somerset West and Taunton. The precept is collected by Somerset West and Taunton Council through Council Tax bills. Charter Trustees only have the power to raise a precept to cover the costs of their administration and the associated costs for the upkeep of the Civic Insignia or 'Silver' and the Mayoralty of Taunton.
- 4.7 The making of the Somerset (Somerset West and Taunton) (Reorganisation of Community Governance) Order 2022 (“the Re-Organisation Order”), which was made on 5 October 2022 and, for the greater part, comes into force on 1 April 2023, means that in accordance with the Local Government (Parishes and Parish Councils) Regulations 2008 the Charter Trustees for Taunton would be dissolved as a body and their rights and responsibilities will be transferred to the new Town/Parish council on 1 April 2023.
- 4.8 Section 18 of the Charter Trustees Regulations 1996¹ (“Dissolution of charter trustees”) also sets out what happens where an area, or part of an area, for which charter trustees have been established becomes, or becomes comprised in, a parish (not being an existing parish) for which a parish council is established, as is happening in Taunton.
- 4.9 At Section 18 (2) it states that:
- 4.10 *“From the date on which the first councillors for the parish come into office these Regulations, or the statutory instrument made under Part II of the Act establishing the charter trustees, shall cease to apply to the area or part and accordingly—*
- (a)the charter trustees shall cease to act therefore and shall be dissolved;”*
- 4.11 This is further confirmed by Regulation 15(2)(a) of the Local Government (Parishes and Parish Councils) Regulations 2008 (S.I. 2008/625) which is clear that where the charter trustee area becomes wholly comprised in a parish or two or more parishes it will be dissolved. It also provides that, in those circumstances, any mayor or deputy mayor shall cease to hold office as such and all property, rights and liabilities of whatever description of the charter trustees shall become the property, rights and liabilities of the parish council.
- 4.12 *On the date on which the first parish councillors for the parish or parishes (as the case may be) come into office—*
- (a)the charter trustees shall be dissolved;*
- (b)the mayor and deputy mayor (if any) shall cease to hold office as such;*
- 4.13 In the case of the Taunton Parish Council, the first Councillors will be temporarily

¹ <https://www.legislation.gov.uk/uksi/1996/263/regulation/18/made>

appointed and be in effect from 1st April 2023. As the current Mayor of Taunton is a Charter Trustee this would that formally their role as a Charter Trustee would cease on this date.

Use of Past Mayors

- 4.14 The Government guidance is clear however that they do not wish to create a break in traditions when it comes to Civic matters. The proposal to utilise the Past Mayor's in this intervening period upon the dissolution of the Charter Trustees allows the current occupant to represent the historic Mayoralty as Past Mayor until the AGM of the new Taunton Parish Council.
- 4.15 The occupant would be clear that whoever undertakes civic duties is not entitled to be styled mayor. However, there is no requirement that a mayor should undertake civic duties as far as I know.
- 4.16 Upon the conclusion of their Mayoral Term of Office, a Past Mayor of Taunton is given a formal record of thanks from the Council and presented with their Past Mayor Badge. They are added to the Civic Invites List and are kept up to date with the Mayoralty long after their term of office has ended.
- 4.17 Outline of expected Civic Activity in this period (subject to change/further invitations):
- 2 April - Rotary Young Musician Regional Finals
 - 3 April – Blessing of the UKHO Easter Crosses (TBC)
 - 16 April – French Visit in honour of Lieutenant Collingwood-Thomson (TBC)
 - 19 April – Taunton Carnival Committee Meeting
 - 23 April – St George's Day Parade (TBC)
 - 6 May – Coronation of King Charles (Operation Golden Orb)
 - 8 May – VE Day
 - 11 May – Somerset Day
 - 17 May – Taunton Carnival Committee Meeting
- 4.18 The Civic Specialist will inform all invitees that Cllr Lees will be attending/hosting as Past Mayor but will continue to use their working chains.

Pre-Election Period – Civic Social Media

- 4.18 Formal notice of the Parish elections will be published on 27th March 2023. The formal legal restrictions will apply to Council actions from then until the close of polls on 4th May 2023. There is statutory guidance for local authorities about publicity and information issued during the pre-election period just before local elections. The Code of Recommended Practice on Local Authority Publicity is issued under section 4 of the Local Government Act 1986.
- 4.19 Officers of both the Unitary and the Parish Council will not at any time issue any publicity which might appear to be designed to affect support for, or disadvantage, a political party or an election candidate. This is particularly important during the pre-election period when no publicity about politically controversial issues should be issued.

- 4.20 In particular, no photographs including candidates will be used. 'Publicity' in this context is defined as 'any communication, in whatever form, addressed to the public at large or to a section of the public'. Publicity includes press releases, letters to editors, newspapers, newsletters, web sites (including the hosting of material that is created for third parties), social media platforms (including liking, sharing or linking to posts by others), posters, leaflets, booklets, banners, badges, t-shirts, carrier bags and so on.
- 4.21 The Council will continue to respond to events and legitimate service enquiries provided that answers given are factual and show no political bias. Officers issuing publicity during the pre-election period must be able to demonstrate a service need for the publicity. It is not permissible to issue publicity about an issue that is not of immediate concern and to name a Councillor where there is no public interest in that Councillor being named.
- 4.22 All corporate social media platforms operated by Somerset West and Taunton Council/Taunton Parish Council staff are subject to the rules of the period.
- 4.23 It is also preferable that pro-active events in Taunton involving Councillors and the media are also avoided during this sensitive period unless the event was pre-arranged and can be justified by a service need. If such an event goes ahead any Councillor involvement must be limited and proportionate to the service need. All council publicity is potentially sensitive in the run-up to the elections.
- 4.24 All Mayors of Taunton are given a handbook and guidance at the start of their terms of office setting out clearly the non-political nature of their role. They are also counselled in the need to maintain the political neutrality of the Mayor during their term of office when representing the Mayoralty.

5 Links to Corporate Strategy

- 5.1 This support's SWT's Corporate Strategy in relation to being a customer focussed Council that develops and delivers effective communications, consultation and engagement and which listens to and engages with our residents and stakeholders.

6 Finance / Resource Implications

- 6.1 The Charter Trustees currently purchase time from Somerset West and Taunton District for the Civic Engagement Specialist for 2.5 days of time. This cover arrangement, if agreed, will potentially have to be recouped from the Parish Council as a staffing cost.

Unitary Council Financial Implications and S24 Direction Implications

- 6.2 The Section 24 Direction stipulates that consent of the County Council's executive is required for expenditure that exceeds certain criteria or for the disposal of an asset. Neither criteria are triggered by this.

7 Legal Implications

- 7.1 The legal implications of the report are set out in the Regulations detailed in the main body of the report. The Deputy County Solicitor has reviewed the report and confirmed that the parish councillors would not be able to elect a mayor until after the election (see the insertion of the word "elected" into section 15 of the Local Government Act 1972 by the 2007 Act) so there will be a hiatus between 1st April and 18 May which it is not within

anyone's power to formally fill.

- 7.2 The Charter Trustees for Taunton could appoint a Councillor as a local officer of civic dignity temporarily (such appointment to expire on the appointment of the new mayor of the town council) as a quasi-mayor. This could work providing the person is not required to fulfil any legal function.

8 Climate, Ecology and Sustainability Implications

- 8.1 There are no identified climate, ecological, or sustainability implications.

9 Safeguarding and/or Community Safety Implications

- 9.1 There are no identified safeguarding or community safety implications.

10 Equality and Diversity Implications

- 10.1 There are no identified equality or diversity implications.

11 Social Value Implications

- 11.1 There are no identified social value implications.

12 Partnership Implications

- 12.1 There are clear partnership implications in ensuring that the Taunton Mayorality is able to continue undertaking activity in this key period in the municipal year and continue to foster those links with stakeholders and organisations on the Civic Invite List.

13 Health and Wellbeing Implications

- 13.1 There are no identified health and wellbeing implications.

14 Asset Management Implications

- 14.1 There are no identified Asset Management implications

15 Data Protection Implications

- 15.1 There are no identified data protection implications.

16 Consultation Implications

- 16.1 There are no identified consultation implications.

Reporting Frequency: Once only

List of Appendices (background papers to the report)

Appendix A	Taunton Charter Trustees Civic Protocol (adopted 2019)
Appendix B	List of Past Mayors

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