



Congleton Town Council

Historic market town

Chief Officer: **David McGifford**

16th May 2019

Dear Councillor,

ANNUAL TOWN COUNCIL MEETING – THURSDAY 23rd May 2019

You are summoned to attend the Annual Meeting of the Town Council, to be held in the Grand Hall at Congleton Town Hall on **Thursday, 23rd May 2019 at 7.00 p.m.**

You are cordially invited to bring your partner along on this civic occasion and refreshments will be served at the end of the meeting.

Yours sincerely,

David McGifford

CHIEF OFFICER

AGENDA

1. **Election of the Town Mayor for the Ensuing Year**
2. **Vote of Thanks for the Retiring Town Mayor**
 - 2.1 Presentation of the Former Town Mayor's Medallion
 - 2.2 Presentation of the Retiring Town Mayor's Cadet Medallion
 - 2.3 Town Mayor's Cadet Scheme & Appointment of the Town Mayor's Cadet
3. **Apologies for Absence**

To receive apologies for absence
4. **Roles of Leader and Deputy Leader**

To approve the amendment of the Constitution to remove the positions of Leader and Deputy Leader

Congleton
beartown
where friends are made

5. **General Power of Competence** (report attached)

Council is recommended to adopt the General Power of Competence since the Council is eligible to do so.

6. **Election of Deputy Town Mayor for the Ensuing Year**

7 **Council Committees**

To appoint Committees for the municipal year 2019/20.

7.1	Planning Committee	All Councillors
7.2	Personnel Committee	10 Members
7.3	Finance and Policy Committee	10 Members
7.4	Community, Environment & Services Committee	10 Members
7.5	Town Hall & Assets	10 Members
7.6	Strategy Working Group	All Councillors

8. **Chairman and Vice-Chairman of Committees**

To appoint Chairman and Vice-Chairman for the ensuing year.

- 8.1 **Planning Committee**
 - a. Chairman
 - b. Vice Chairman
- 8.2 **Personnel Committee**
 - a. Chairman
 - b Vice Chairman
- 8.3 **Finance and Policy Committee**
 - a. Chairman
 - b Vice Chairman
- 8.4 **Community Environment and Services Committee**
 - a. Chairman
 - b Vice Chairman
- 8.5 **Town Hall & Assets Committee**
 - a. Chairman
 - b Vice Chairman
- 7.6 **Strategy Working Group**
 - a. Chairman
 - b Vice Chairman

9. Single Focus Committees and Working Groups

To appoint the requisite number of Councillors to serve on -

9.1	Complaints Panel	5
9.2	Selection panel for co-option of a councillor	5
9.3	Anti Social Behaviour Working Group	4
9.4	Health and Wellbeing Working Group	Up to 8
9.5	Congleton Market Working Group	Up to 4
9.6	Streetscape Sweeper Working Group	2
9.7	Cheque signatories – any 2 from 6	6

10. Appointments to outside bodies

To appoint the requisite number of Councillors to serve on -

10.1	Congleton Museum Trust	1+res
10.2	Congleton Partnership Executive	2
10.3	Hilary Avenue Allotments	1
10.4	Astbury Mere Trust	1+ res
10.5	Chalc	1+ res
10.6	Cheshire East Liaison -	Ward councillors
10.7	Cenotaph Working Group	2
10.8	In Bloom	3
10.9	Neighbourhood Planning Steering Group	5

11. Appointments of other offices

11.1	Town Crier	1
11.2	Deputy Town Crier	1
11.3	Macebearer	1
11.4	Deputy Macebearer	1

12. Appointment of the Town Mayor's Chaplain

To receive from the Town Mayor, the appointment of the Mayor's Chaplain for the ensuing year.

13. Civic Service and Sunday Parade

To receive details from the Town Mayor with regards to the Civic Service.

The Town Mayor will then declare the Meeting closed and will retire to un-robe.

CONGLETON TOWN COUNCIL

COMMITTEE REPORTS AND UPDATES

COMMITTEE:	Annual Council Meeting		
MEETING DATE AND TIME	23 rd May 2019 7.00pm	LOCATION	Congleton Town Hall
REPORT FROM	Chief Officer		
AGENDA ITEM REPORT TITLE	5 General Power of Competence (GPoC)		
Background	<p>Town Councils are corporate bodies and traditionally have only been able to carry out their roles, duties and functions through legislative powers accumulated since 1894. These powers were always constrained to specific and appropriate legislation.</p> <p>Recognising the potential limiting effect this might have on local Councils, the Localism Act 2011 provided local councils with a general power of competence, a new power with wide ranging possibilities. The general power of competence was brought into force by SI (1) 961, The Localism Act 2011 (Consequential Amendments) Order 2012.</p> <p>The General Power of Competence enables eligible local council to take an enhanced role and allows them to do things they had previously been unable to do. It is designed to give local authorities greater freedom to carry out the functions that are required locally. It gives eligible local councils, "the power to do anything that individuals generally may do" as long as they do not break other laws. It is intended to be a power of first, not last, resort.</p> <p>The Council has to ask itself if an individual is allowed to do it, if the answer is yes then a council is normally permitted to act in the same way.</p>		
Risks and Restrictions limiting the GPoC	<p>Existing duties remain in place, such as having regard to the likely effect on crime and disorder, biodiversity and the duty to provide allotments.</p> <p>Existing financial and procedural duties remain in place for regulating governance for example - no delegation to a single councillor.</p> <p>Councils must continue to comply with relevant existing legislation - employment law, Health and Safety legislation, equality legislation and duties related to data protection and freedom of information.</p> <p>If another authority has a statutory duty to provide a service (e.g. education) it remains their duty to provide it but the Town Council may assist. The Council needs to ask itself whether an individual, private company or community trust could help, if the answer is yes, then the Council can assist. An appropriate delivery body may need to be set up to do so.</p> <p>If the action the Council wishes to take is also covered by a specific power then any restrictions that apply to the overlapping power remain in place. So, if existing legislation requires the Council to seek</p>		

	<p>permission before acting, then it must do so. For example, the council asks permission of the Highways Authority before doing work on roadside verges.</p>
<p>Eligibility</p>	<p>The conditions for eligibility are set out in the Statutory Instrument, Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012.</p> <p>For a local council to become eligible it must confirm at a full council meeting (or at the Annual Council Meeting after an election) that:</p> <ul style="list-style-type: none"> • the Chief Officer is qualified to one of the two sector-specific qualifications and has upgraded those qualifications to cover the General Power of Competence and • two-thirds of the Council has stood for election. <p>The Council meets both of these criteria.</p>
<p>Recommendation</p>	<p>It is recommended that the Town Council resolves that it meets the eligibility criteria to exercise the General Power of Competence as defined in the Parish Council (General Power of Competence) (Prescribed Conditions) Order 2012 and therefore adopt the power for coming term of office of the Council.</p>