



# Congleton Town Council

Historic Market Town

Chief Officer: David McGifford CiLCA

18th May 2023

Dear Councillor,

## Annual Town Council Meeting

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, 25<sup>th</sup> May 2023 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, the preferred dress code is smart.

Yours sincerely,

David McGifford  
Chief Officer



Congleton  
**beartown**  
*where friends are made*

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## 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**

Members are respectfully reminded of the necessity to submit any apologies for absence in advance and to give a reason for non-attendance.

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

**5. Council Committees and quantity of members**

To appoint the following Committees for the municipal year 2023/24

	Committee	Members
5.1	Community	10
5.2	Environment	10
5.3	Finance and Policy	10
5.4	Personnel	10
5.5	Planning Committee	10
5.6	Town Hall Assets and Services	10

**6. Appointment of Chairs and Vice-Chairs of Committees**

To appoint Committee Chairs and Vice-Chairs for the Municipal year 2023/24:

	Committee	Chair	Vice Chair
6.1	Community		
6.2	Environment		
6.3	Finance and Policy		
6.4	Personnel		
6.5	Planning Committee		
6.6	Town Hall Assets and Services		

## 7. **Appointment of Working Groups**

To appoint the following Working Groups for the Municipal Year 2023/24:

	<b>Working Group</b>	<b>Reporting to</b>
7.1	Anti-Social Behaviour	Community Committee
7.2	Congleton Green	Environment Committee
7.3	Congleton In Bloom	Community Committee
7.4	Health and Wellbeing	Community Committee
7.5	Integrated Transport	Environment Committee
7.6	Neighbourhood Plan Development	Planning Committee
7.7	Regeneration and Town Centre	Finance and Policy Committee
7.8	White Ribbon	Community Committee
7.9	Strategy	Council

## 8. **Appointment of Representatives to Outside Bodies, other offices and panels**

To appoint the following for the Municipal Year 2023/24

	<b>Outside Bodies</b>	<b>Number</b>
8.1	Astbury Mere Trust	1+ Reserve
8.2	Chalc	1+ Reserve
8.3	Cheshire East Liaison	6
8.4	Congleton Museum Trust	1
8.5	Congleton Partnership Executive Group	2
8.6	Hilary Avenue Allotment Association	1

	<b>CIVIC</b>	<b>Number</b>
8.7	Macebearer	1
8.8	Deputy Macebearer	1
	<b>PANELS AND SIGNATORIES</b>	
8.9	Complaints Panel	7
8.10	Selection Panel for co option	7
8.11	Cheque Signatories	6

## 9. **General Power of Competence** (enclosed)

To receive and consider a report on the requirements needed to meet the General Power of Competence and to approve the adoption of the power.

## **10. Honorary Burgess**

To invite local resident Mr Bob Edwards to become an Honorary Burgess of the Town Council as resolved at the meeting of the council on the 9<sup>th</sup> February 2023.

**CTC/53/2223 RESOLVED to** approve the proposed appointment of the named resident as an Honorary Burgess

Please note that this was a part 2 paper (confidential) hence the name is not included in the resolution

## **11. Civic Service and Sunday Parade**

To receive details from the Town Mayor with regards to the Civic Service for the Municipal year 2023/24

**The Town Mayor will then declare the Meeting closed.**

### **To: All Members of the Council**

CC: Town Burgess (3), Congleton Information Centre,  
Congleton Library, MP and Press (3)

## CONGLETON TOWN COUNCIL

### COMMITTEE REPORTS AND UPDATES

<b>COMMITTEE:</b>	Annual Council Meeting		
<b>MEETING DATE AND TIME</b>	25 <sup>th</sup> May 2023 7.00pm	<b>LOCATION</b>	Congleton Town Hall
<b>REPORT FROM</b>	Chief Officer		
<b>AGENDA ITEM REPORT TITLE</b>	Item 9 General Power of Competence (GPC)		
<b>Background</b>	<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>Currently Local Councils are restricted to the activities they may become financially involved in by the Local Government Act 1972 (Powers and Duties of Parish Councils). To support Council's, an additional section S.137 was added, which allows Local Councils to spend £9.93 (2023/24) per elector on activities that are not included in the Powers and Duties Schedule.</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 (GPC) is a statutory power arising from the Localism Act 2011 (S.1-8) which took effect in February 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>		
<b>Risks and Restrictions limiting the GPC</b>	<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>Restrictions on using the power include:</p> <ul style="list-style-type: none"><li>• The law (a Council cannot break the law);</li><li>• It must comply with procedural and financial duties and obligations;</li><li>• It must obtain relevant statutory permissions.</li><li>• It may not have the power to take on the statutory duties of principal authorities.</li></ul> <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 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><b>Eligibility</b></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>The Council must decide its eligibility at a Full Council Meeting through the recording of a proper minute; eligibility must then be confirmed at the annual meeting following ordinary elections for as long as the Council wishes to continue using the power.</p> <p>Eligibility Criteria:</p> <ul style="list-style-type: none"> <li>i. 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</li> <li>ii. two-thirds of the Council has stood for election.</li> </ul> <p>The Council meets both of these criteria. In the recent 4<sup>th</sup> May 2023 Elections all 22 Councillors stood for election.</p>
<p><b>Recommendation</b></p>	<p>It is recommended that the Town Council:</p> <ul style="list-style-type: none"> <li>1. Agree eligibility to adopt the Power</li> <li>2. Adopt the General Power of Competence with immediate effect for the coming term of office of the Council.</li> </ul>