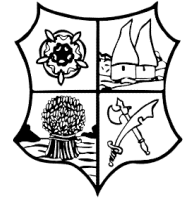


# ALTON Town Council



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Town Clerk: Leah Coney

Town Hall  
Market Square  
Alton  
Hampshire  
GU34 1HD

10<sup>th</sup> May 2023

Dear Councillor

You are hereby summoned to a meeting of the **ANNUAL GENERAL MEETING of ALTON TOWN COUNCIL** at the **TOWN HALL** on **Wednesday 17<sup>th</sup> May 2023** at **7:00pm** when the under-mentioned business will be transacted.

Yours faithfully

*LConey*

Mrs Leah Coney  
Town Clerk

To: All Town Councillors

Councillor Matthew Bayliss  
Councillor Mark Boyce-Churn  
Councillor Annette Eyre  
Councillor Ben Hamlin  
Councillor Don Hammond  
Councillor Graham Hill  
Councillor Matthew Kellermann  
Councillor Nick O'Brien  
Councillor Janice Treacher  
Councillor Jonathan Waugh

# **ANNUAL GENERAL MEETING OF ALTON TOWN COUNCIL**

**17<sup>th</sup> MAY 2023 7PM**  
**AGENDA**

- 1 To elect the Town Mayor for 2023/24
- 2 To receive the Town Mayor's Declaration of Acceptance of Office
- 3 Presentations to the outgoing Town Mayor.
- 4 Town Mayor to announce the name of their Consort, Chaplain and Town Mayor's Charity for the year
- 5 Apologies for absence
- 6 To elect the Deputy Town Mayor
- 7 Co-option of Councillors for vacant seats
  - i) Amery Ward
  - ii) Ashdell Ward
  - iii) Whitedown Ward.
- 8 To approve the calendar of meetings for 2023/24
- 9 Confirmation of General Power of Competence
- 10 Confirmation of Bank Mandate

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**ALTON TOWN COUNCIL**  
**ANNUAL GENERAL MEETING OF THE COUNCIL – 17<sup>th</sup> MAY 2023**

**REPORTS BY THE TOWN CLERK**

**ITEM 1 ELECTION OF TOWN MAYOR (CHAIR)**

**FOR DECISION**

The first business conducted at the annual meeting of the Council shall be the election of the Mayor (Chair) and Deputy Mayor (Vice-Chair) of the Council.

Please note, that in accordance with Standing Orders, in an election year, as the current Mayor of the Council has not been re-elected as a member of the Council, she shall preside at the annual meeting until a successor Mayor of the Council has been elected. The current Mayor (Chair) of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.

In accordance with Standing Order 8 *“Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting”*.

This process will be repeated for Item 6

**RECOMMENDATION:** The Council is requested to elect a Mayor (Chair) of the Council for the forthcoming municipal year.

**ITEM 7 CO-OPTION TO VACANT SEATS**

**FOR DECISION**

Following the publication of the nominees for the elections on the 4<sup>th</sup> May three seats were declared vacant. The Clerk duly published details the co-option vacancy notices with a deadline of 9<sup>th</sup> May for nominees.

The candidates therefore are:

**Amery Ward** – Pandora Kellermann,(Ind) Barbara Tansey (Lab), Peter Desmond Thomas (Ind) and Robert Saunders (Ind)

**Ashdell Ward** – Pandora Kellermann, (Ind), Eleanor Waple (Ind)

**Whitedown Ward** – Graeme Hughes (Ind), Pandora Kellermann (Ind), John Chubb (Lab)

Councillors have been invited to an informal session to meet the candidates in the Council Chamber in advance of this meeting. It is hoped that this session will help Members in selecting the new councillors.

**Co-option procedure at the meeting**

Each candidate will be asked in turn to briefly introduce themselves to the Council, detailing the ward they are standing for, why they would like to join the council and any relevant information which they think would be helpful to Members in making a decision.

Following confirmation from the Town Clerk as to the names of all the candidates and the wards they wish to represent, councillors present at the meeting must then decide if they wish to nominate any of the persons named at the meeting. Amery ward will be considered and voted upon first, followed by Ashdell Ward and then Whitedown Ward.

There is no obligation upon any councillor to nominate any of the applicants if they do not consider the person suitable for the office of councillor.

Voting should be by a show of hands unless the council has adopted Standing Orders which allow another form of voting. The chairman of the meeting may exercise their casting vote in the event that there is an equality of votes.

- ☐ A councillor may only nominate or second one candidate
- ☐ The Chair puts the names of the those nominated into alphabetical and takes a vote by show of hands
- ☐ Councillors have only one vote each
- ☐ The first candidate to receive an absolute majority of those present and voting is declared elected

Successful candidates will be requested to sign to attend the next Full meeting of the council by which time they must have signed the Declaration of Acceptance of Office and read and understood the Code of Conduct adopted by the council.

All new councillors must, within 28 days of election to office, register their interests with the District Council or Unitary Authority Monitoring Officer. Forms are usually supplied by the Monitoring Officer or by the clerk.

**RECOMMENDATION:** Following a vote, the process of which is detailed above, the Council is asked to resolve to approve the appointment of one candidate as a Town Councillor for Amery Ward, one candidate as a Town Councillor for Ashdell Ward and one candidate as a Town Councillor for Whitedown Ward.

**ITEM 8            COUNCIL CALENDAR            FOR DECISION**

**RECOMMENDATION:** Members are requested to approve the calendar as tabled.

**ITEM 9 GENERAL POWER OF COMPETENCE** **FOR DECISION**

## 1. BACKGROUND:

Parish (and latterly Town) Councils are corporate bodies that have accumulated powers through legislation since 1894. Their powers were constrained to specific and appropriate legislation. This means that before undertaking anything, members must be satisfied that a town council has the power (under a specified statute) to undertake that activity.

Town Councils have many specific powers (e.g. the provision of open spaces and recreational facilities) in addition to section 137 of the Local Government Act 1972, permitting the expenditure up to certain limits for “purposes not otherwise authorised”. Typically, the expenditure on grants is covered by section 137 of the Local Government Act, 1972.

Despite the wide range of powers, town councils are always at risk of being challenged, especially if they undertake an unusual activity

In consequence, the Government included a “general power of competence” in the Localism Act 2011 (Part 1, Chapter 1, ss 1-8). It was brought into force by SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 in April 2012.

## **2. LEGISLATIVE BACKGROUND:**

The intention of the legislation is that eligible local authorities will no longer have to identify specific powers to undertake an activity. As a result, the risk of legal challenge will be reduced. It is stated in the above Statutory Instrument that

“The Government’s intention in providing eligible parish councils with the general power of competency is to better enable them to take on their enhanced role and allow them to do things they have previously been unable to do under existing powers”.

Under the legislation, eligible town councils have “the power to do anything that individuals generally may do” as long as they do not break other laws. It is intended to be the power of first, not last, resort. The eligible council has to ask itself if an individual is allowed to do it. If the answer is “yes”, then a town council is normally permitted to act in the same way.

## **3. TYPES OF ACTIVITIES:**

Although the Government has given scant guidance on operation of the new power, some new activities covered by the legislation include:

- Running a community shop or post office
- Lend or invest money
- Establish a company or co-operative society to trade and engage in commercial activity
- Establishing a company to provide services such as local transport
- Providing grants to individuals.

The power is not restricted to use within the township --- an eligible town council can use it anywhere.

If another council has a statutory duty to provide a service (e.g. education, social service, highways, footpaths, rights of way), it remains their duty to provide it. Nonetheless, eligible town councils may assist. The eligible town council would need to ask itself whether an individual, private company or community trust could help. If the answer is “yes”, the town council can assist.

## **4. LOCAL GOVERNMENT ACT 1972 (s137):**

Expenditure under the Local Government Act (s137) is limited and has to be budgeted for separately. Expenditure is restricted in that it cannot be used to give money to individuals and the amounts must be commensurate with the benefit. Section 137 is a power of last resort.

A council that is eligible to use the general power of competence can no longer use Section 137 as a power for taking action for the benefit of the area. However, Section 137 (3) which permits the council to contribute to UK charities, public sector funds and public appeals remains in place.

## **5. ELIGIBILITY:**

The three conditions for eligibility are set out in the Statutory Instrument (paragraph 1 above) as follows:

1. Resolution: the council must resolve at a meeting that it meets the criteria for eligibility relating to the electoral mandate and relevant training of the clerk.
2. Electoral mandate: at the time the resolution is passed, at least two thirds of the council must hold office as a result of being declared elected (i.e. not co-opted).
3. Qualified clerk: At the time that the resolution is passed, the clerk must hold a recognised professional qualification (e.g. Certificate in Local Council Administration) AND pass the 2012 CiLCA module relating to the general power of competence.

The Council first attained accreditation on the 17<sup>th</sup> May 2017. The council is then required to revisit that decision and make a new resolution at every 'relevant' annual meeting of the council to confirm that it still meets the criteria (if it does), this was last undertaken on the 15<sup>th</sup> May 2019. A 'relevant' annual meeting is the annual meeting of the council after the next ordinary election has taken place (i.e. the next 'relevant' date for Alton Town Council is May 2023).

Eligibility remains in place until the 'relevant' annual meeting even if the conditions of the eligibility criteria have changed. If the council loses its qualified clerk or has insufficient elected councillors it must also record its ineligibility at the next 'relevant' meeting.

There is no requirement for members to be trained in the general power of competence.

Alton Town Council satisfies all the conditions as:

1. It has 10 out of 13 councillors elected
2. The Clerk of the Council holds the Certificate in Local Council Administration (CiLCA)
3. The Clerk of the Council has passed the CiLCA module on the general power of competence.

#### **RECOMMENDATION:**

It is recommended that the members consider this report and pass the following resolution:

"The Town Council resolves from 17<sup>th</sup> May 2023, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence)(Prescribed Conditions) Order 2012, to adopt the General Power of Competence".

#### **ITEM 10 BANK MANDATE**

#### **FOR DECISION**

With the incoming Council, Members are asked to give their formal approve to the alteration of the bank mandate to remove former councillors and add all new councillors as signatories.

**RECOMMENDATION:** To resolve to amend the Bank Mandate to authorise all new Councillors as signatories

Members are requested to remain in the Chamber for the annual Council photograph after the conclusion of the meeting