



FARNHAM TOWN COUNCIL

Agenda Council

Time and date

Thursday 18th May, 2023 at 7.00 pm

Place

Council Chamber - Farnham Town Hall.

To ALL MEMBERS OF THE COUNCIL

Dear Councillor

You are hereby summoned to attend a Meeting of **FARNHAM TOWN COUNCIL** on **Thursday 18th May, 2023, at 7.00 pm** in the Council Chamber - Farnham Town Hall.

The Agenda for the meeting is attached.

Yours sincerely

Iain Lynch
Town Clerk

Members' Apologies

Members are requested to submit their apologies and any Declarations of Interest on the relevant form attached to this agenda to customer.services@farnham.gov.uk by 5pm on the day before the meeting.

Recording of Council Meetings

This meeting is digitally recorded and retained until the minutes are signed.

Members of the Public are welcome and have a right to attend this Meeting. Please note that there is a maximum capacity of 30 in the public gallery.



FARNHAM TOWN COUNCIL

Disclosure of Interests Form

Notification by a Member of a disclosable pecuniary interest in a matter under consideration at a meeting (Localism Act 2011).

Please use the form below to state in which Agenda Items you have an interest.

If you have a disclosable pecuniary or other interest in an item, please indicate whether you wish to speak (refer to Farnham Town Council's Code of Conduct for details)

As required by the Localism Act 2011, I hereby declare, that I have a disclosable pecuniary or personal interest in the following matter(s).

FULL COUNCIL: 18 May 2023

Name of Councillor

Agenda Item No	Nature of interest (please tick/state as appropriate)		Type of interest (disclosable pecuniary or Other) and reason
	I am a Waverley Borough Councillor/Surrey County Councillor*	Other	

* Delete as appropriate



FARNHAM TOWN COUNCIL

Agenda Council

Time and date

Thursday 18th May, 2023 at 7.00 pm

Place

Council Chamber - Farnham Town Hall, South Street, Farnham

Prayers

Prior to the meeting prayers will be said in the Council Chamber by Revd Dr Michael Hopkins of The Spire Church. Councillors and members of the public are welcome to attend.

1 Election of the Town Mayor 2023/24

2 Declaration of Acceptance of Office of Mayor

To receive the Mayor's Declaration of Acceptance of Office.

3 Apologies

To receive apologies for absence.

4 Disclosures of Interest

To receive from members, in respect of any items included on the agenda for this meeting, disclosure of any disclosable pecuniary or other interests, or of any gifts and hospitality, in line with the Town Council's Code of Conduct.

NOTES:

- (i) *The following councillors have made a general non-pecuniary interest declaration in relation to being councillors of Waverley Borough Council: Cllrs David Beaman, George Murray, Tony Fairclough, George Hesse, Andrew Laughton, Mark Merryweather, Kika Mirylees, John Ward, and Graham White.*
- (iii) *The following councillor has made a general non-pecuniary interest declaration in relation to being a councillor of Surrey County Council: Cllr Michaela Martin;*
- (iv) *Members are requested to make any declarations of interest, on the form attached, to be returned to customer.services@farnham.gov.uk by 5pm on the day before the meeting.*

Members are reminded that if they declare a pecuniary interest they must leave before any debate starts unless dispensation has been obtained.

5 Minutes

To sign as a correct record the minutes of the Farnham Town Council meeting held on 27th April 2023 at Appendix A.

6 Town Mayor's Announcements

To receive the Town Mayor's announcements.

7 Presentation of Councillor badges to new Councillors

8 Presentation of Past Mayoress' Badge

The Mayor will present a past Mayoress' Badge to Mrs Claire Earwaker Dos Reis.

9 Election of Deputy Mayor

To elect a Deputy Town Mayor for 2023-24.

10 Declaration of Acceptance of Office of Deputy Mayor

To receive the Deputy Mayor's Declaration of Acceptance of Office.

11 Appointment of Leader or Spokesperson of the Council

In accordance with Standing Order 4.1, a Leader or Spokesperson for the Council can be appointed at the Annual Council Meeting but if no appointment is made, the role of Spokesperson for the Council will be undertaken by the Lead Member of the Strategy and Finance Working Group.

12 Adoption of the General Power of Competence (Pages 5 - 6)

To resolve to readopt the General Power of Competence. Farnham Town Council meets the eligibility criteria as i) all councillors hold office as a result of being declared elected (as opposed to being appointed or co-opted); ii) the clerk is suitably qualified (holding the Certificate in Local Council Administration -CILCA) and iii) the clerk has completed the relevant training in the exercise of the power (Appendix B).

13 Appointment of Town Council's representative on the Farnham Infrastructure Board.

To appoint the Town Council's representative on the Farnham Infrastructure Programme (FIP) Board 2023-24. The Council appoints a Councillor and the Town Clerk to represent its collective views of Farnham Town Council on the FIP Joint Board managed by Surrey County Council.

14 Date of Next Meeting

To note the Induction training coming up and agree the date of the next meeting.

The Town Mayor will close the meeting and invite Members and invited guests to stay for light refreshments.

Council Membership:

Alan Earwaker (Mayor), David Beaman, Matthew Brown, Sally Dickson, Tony Fairclough, George Hesse, Andrew Laughton, Michaela Martin, Brodie Mauluka, George Murray, Mark Merryweather, Kika Mirylees, John Ward, Chris Jackman, Graham White and Tim Woodhouse. Michaela Wicks (Deputy Mayor 2022-23) will also be in attendance.

FARNHAM TOWN COUNCIL



B

Report to Council

Time and date: 18th May 2023

Adoption of General Power of Competence

1. Local authorities, including town and parish councils, are creatures of statute and so can only do what they are allowed to do by statute. This means that before undertaking any activity, members must be satisfied that the town council has the power under some statute to undertake the activity. Town and Parish councils have many specific powers, for example to provide open spaces and recreational facilities, and there is also the general power in section 137 Local Government Act 1972 to spend up to a certain limit for 'purposes not otherwise authorised'.
2. In the Localism Act 2011, the Government included a 'general power of competence' with the intention that local authorities would no longer have to identify a specific power, and that the risk of challenge would be further reduced.
4. The general power of competence is the 'power to do anything that individuals generally may do'. It is specifically stated that this includes things that are unlike anything else the local authority does, or unlike anything that other public bodies do. The authority can use the general power of competence inside or outside the town/parish area and it need not show that the action benefits the authority or its area or its residents. There is no limit on expenditure under the general power of competence. The general power of competence has replaced the power of well-being, which is no longer available to local authorities in England.
5. The only real limitation is that the general power of competence cannot be used to get round a restriction or limitation in an existing specific power – they will still remain. The general power cannot be used, for example, to pay allowances to members because there is already specific legislation restricting what allowances may be paid. The general power cannot be used where the primary purpose of an activity is to raise money but it could be used to invest (subject to government guidance) in a company or a co-operative society where there may be an investment return. Governance requirements and other legislation (eg employment, health and safety etc) still apply.
6. The Government has not given any guidance on what sort of activities might be undertaken under the general power but some examples could be:
 - Running a community shop or post office;
 - Investing in a local co-operative society;

- Setting up a company to provide a service such as a bus service;
 - Cutting highways verges but this would need permission from the Highways Authority;
 - Providing a grant to an individual, e.g. an Olympic or Paralympic athlete.
7. The General Power is available automatically to principal councils but only to 'eligible' parish councils. The conditions for eligibility are:
- The parish council must pass a resolution stating that it is eligible to use the general power;
 - When the council passes the resolution at least two thirds of the membership of the council must have been elected (i.e. not co-opted);
 - The clerk must hold the Certificate in Local Council Administration (the recognised qualification for clerks) and must also pass the new 2012 CiLCA module on the use of the general power.
8. Eligibility lasts until the annual meeting of the council immediately after the next ordinary elections (i.e. May 2023) but can be renewed at that meeting provided the conditions are still met. Parish councils which are eligible to use the general power are no longer need to keep a separate record of any section 137 expenditure.
9. Farnham Town Council satisfies all the conditions as:
- All 16 councillors were elected at the election in May 2023;
 - The Clerk holds CiLCA;
 - The Clerk has passed the 2012 CiLCA module on the General Power of Competence

Recommendation:

It is recommended that Council:

- i) Confirms that it is eligible to use the General Power of Competence; and
- ii) Re-adopts the General Power of Competence as a power of first resort.