

# **PARISH OF GODALMING**

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Municipal Buildings  
Bridge Street  
Godalming  
Surrey GU7 1HT

Sir/Madam

I HEREBY SUMMON YOU to attend the Annual Meeting of the Godalming Town Council to be held (pursuant to Public Notice) in the Council Chamber, Municipal Buildings, Bridge Street, Godalming on THURSDAY, 16 MAY 2019 at 7.00pm.

DATED this 8<sup>th</sup> day of May 2019.

Andy Jeffery  
Clerk to the Town Council

Mayor of Godalming – Mr Nick Williams

Councillor Martin  
Councillor Stubbs  
Councillor PS Rivers  
Councillor Welland  
Councillor Adam  
Councillor Boyle  
Councillor Duce  
Councillor Hullah  
Councillor Purvis  
Councillor Wardell

Councillor Steel  
Councillor PMA Rivers  
Councillor Cosser  
Councillor Follows  
Councillor Ashworth  
Councillor Crooks  
Councillor Heagin  
Councillor Neill  
Councillor Rosoman  
Councillor Williams

The meeting will be preceded by prayer with the Revd Jane Vlach officiating – all who wish to participate in prayers are most welcome to do so; however, anyone not wishing to participate may leave the chamber or sit quietly for the short duration of the prayers. All individuals' decisions in this matter are respected.

## **A G E N D A**

### 1. ELECTION OF TOWN MAYOR

In an election year, if the current Town Mayor (Chairman of the Council) has not been re-elected as a member of the Council that Town Mayor shall nonetheless preside at the annual meeting until a successor Town Mayor has been elected. The current Town Mayor shall not have an original vote in respect of the election of the new Town Mayor but must give a casting vote in the case of an equality of votes (Standing Order 28).

The Town Mayor to seek nominations for the position of Mayor of Godalming.

Members to ELECT a Town Mayor for the ensuing year:

[The newly elected Town Mayor and the immediate past Mayor will retire from the Council Chamber in order that the new Mayor can be robed.]

### 2. THE NEW TOWN MAYOR

The newly elected Town Mayor will return to the Council Chamber and will take the chair.

3. DECLARATION OF ACCEPTANCE OF OFFICE

The Town Mayor will make the Declaration of Acceptance of Office and return thanks.

4. VOTE OF THANKS TO RETIRING TOWN MAYOR

TO PASS a vote of thanks to the retiring Town Mayor:

Proposer – Councillor Cosser

5. PRESENTATION OF PAST MAYOR'S BADGE

Mr Williams to be presented with his Past Mayor's Badge

6. ELECTION OF DEPUTY MAYOR

The Town Mayor to seek nominations for the position of Deputy Mayor of Godalming.

Members to ELECT a Deputy Town Mayor for the ensuing year

[The Deputy Town Mayor to receive his/her Chain and Badge of Office and make the Declaration of Acceptance of Office.]

7. PRESENTATION OF THE CHAIN OF OFFICE TO CONSORTS.

The Town Mayor to present the Consort to the Mayor of Godalming and the Consort to the Deputy Mayor of Godalming with their Chain and Badge of Office

8. MINUTES

The TOWN MAYOR to sign as a correct record the Minutes of the Meeting of the Council held on 25 April 2019.

9. TO RECEIVE APOLOGIES FOR ABSENCE

To receive apologies for absence.

10. DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

To receive from Members any declarations of interests in relation to any items included on the Agenda for this meeting required to be disclosed by the Localism Act 2011 and the Godalming Members' Code of Conduct.

11. PETITIONS/STATEMENTS/QUESTIONS FROM MEMBERS OF THE PUBLIC

THE TOWN MAYOR to invite members of the public to make representations, ask or answer questions and give evidence in respect of the business on the agenda or other matters not on the agenda. This forum to be conducted in accordance with Standing Order 5:

- the period of time designated for public participation at a meeting for a maximum of three minutes per person or 15 minutes overall, unless otherwise directed by the chairman of the meeting;
- a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given. If a matter raised is one for Principle Councils or other authorities, the person making representations will be informed of the appropriate contact details.

12. QUESTIONS BY MEMBERS

To consider any questions from Councillors in accordance with Standing Order 6.

13. OFFICIAL ANNOUNCEMENTS, LETTERS, ETC

TO RECEIVE official announcements, letters etc.

14. SEALING OF DOCUMENTS, ETC

TO AUTHORISE the Clerk to sign or, where appropriate to have sealed on behalf of the Town Council any orders, deeds, or documents necessary to give effect to any of the matters contained in the Reports received at this meeting or in any Resolution passed by the Council.

15. GENERAL POWER OF COMPETENCE

On 12 May 2015, until the next relevant Annual Meeting of the Council, this Council adopted the General Power of Competence. A brief report from the Town Clerk about that power and the legislative background is attached for the information of Members. This being the next relevant Annual Meeting of the Council, Members are required to revisit that earlier decision and, if so minded, to make the following resolution:

The Town Council resolves from 16 May 2019, 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.

16. COMMITTEES OF THE COUNCIL

Members to agree the Council's existing committee structure as detailed in Standing Orders Chapter Fifteen.

- Policy & Management Committee
- Staffing Committee
- Audit Committee
- Mayoralty Committee

17. MEMBERSHIP OF THE POLICY & MANAGEMENT COMMITTEE

Members to note that, in accordance with SO 105, all Councillors, with the exception of the Mayor, will serve as Members of the Policy & Management Committee.

18. ELECTION OF MEMBERS TO THE STAFFING COMMITTEE

Members to elect, in accordance with SO 106, six of their number as Members of the Staffing Committee, one of which to be the Chairman of the Policy & Management Committee. The nominees for the Committee will be tabled at the meeting.

19. ELECTION OF MEMBERS TO THE MAYORALTY COMMITTEE

Members to elect, in accordance with SO 108, six of their number as Members of the Mayoralty Committee of which at least three shall have served as Town Mayor (if that is possible). The nominees for the Committee will be tabled at the meeting.

20. ELECTION OF MEMBERS TO THE AUDIT COMMITTEE

Members to elect, in accordance with SO 109, five of their number as Members of the Audit Committee. The nominees for the Committee will be tabled at the meeting.

21. ELECTION OF MEMBERS TO THE GODALMING JOINT BURIAL COMMITTEE

Members to elect, in accordance with SO 123, six of their number as the Council's representatives on the Godalming Joint Burial Committee. The nominees for the Committee will be tabled at the meeting.

22. APPOINTMENT OF THE LEADER/SPOKESPERSON OF THE COUNCIL

Members are asked for nominations for the appointment of Leader of the Council.

Members are asked to note that, under Standing Order 35, the person appointed as Leader of the Council is normally expected to be elected as the Chairman of the Policy & Management Committee when that committee convenes its first business meeting of the civic year.

Members to ELECT the Leader of the Council.

23. ELECTION OF REPRESENTATIVES TO OUTSIDE BODIES

Members to elect Town Council representatives to outside bodies, Nominations for representatives of outside bodies will be tabled at the meeting.

24. BANK MANDATE

In accordance with Financial Regulation 5.1 it is necessary for Full Council to agree the Council's Bank Mandate and the following resolution is recommended:

The Town Council resolves that the Council's bankers shall be authorised to honour all cheques drawn on the Council's accounts or instructions for direct debits or standing orders provided the order for payment or instruction is signed by any two of the holders, to be nominated at this meeting.

The Town Clerk & Responsible Finance Officer should be instructed to complete a bank mandate to effect the resolution above.

25. SCHEDULE OF MEETINGS

Members to approve the Schedule of Meetings of the Council and its Committees (attached for the information of Members).

26. POLICY ADOPTION

Members to resolve to agree to adopt the following documents:

Document Title	Review Date/Version	Web address
Standing Orders	25 April 2019	<a href="https://godalming-tc.gov.uk/wp-content/uploads/2019/04/Standing-Orders-25-April-2019.pdf">https://godalming-tc.gov.uk/wp-content/uploads/2019/04/Standing-Orders-25-April-2019.pdf</a>
Scheme of Delegation	7 March 2019	<a href="https://godalming-tc.gov.uk/wp-content/uploads/2019/03/Scheme-of-Delegation-7-March-2019.pdf">https://godalming-tc.gov.uk/wp-content/uploads/2019/03/Scheme-of-Delegation-7-March-2019.pdf</a>

Financial Regulations	15 November 2018	<a href="https://godalming-tc.gov.uk/wp-content/uploads/2018/11/Financial-Regulations-November-2018.pdf">https://godalming-tc.gov.uk/wp-content/uploads/2018/11/Financial-Regulations-November-2018.pdf</a>
Treasury & Investment Policy	19 July 2028	<a href="https://godalming-tc.gov.uk/wp-content/uploads/2018/07/Treasury-and-Investment-Policy-Adopted-19-July-2018.pdf">https://godalming-tc.gov.uk/wp-content/uploads/2018/07/Treasury-and-Investment-Policy-Adopted-19-July-2018.pdf</a>
Equality & Diversity Policy	15 November 2018	<a href="https://godalming-tc.gov.uk/wp-content/uploads/2018/11/Equality-Diversity-Policy-15-November-2018.pdf">https://godalming-tc.gov.uk/wp-content/uploads/2018/11/Equality-Diversity-Policy-15-November-2018.pdf</a>
Health & Safety Policy	10 January 2019	<a href="https://godalming-tc.gov.uk/wp-content/uploads/2019/01/Health-Safety-Policy-10-January-2019.pdf">https://godalming-tc.gov.uk/wp-content/uploads/2019/01/Health-Safety-Policy-10-January-2019.pdf</a>

Documents are available for viewing at the indicated web address, are contained in Members handbook and will be tabled at the meeting.

27. SAFETY POLICY STATEMENT

Members are requested to authorise the Mayor as Chairman of the Council to sign Godalming Town Council's Safety Policy Statement (attached for the information of Members).

28. DATE OF NEXT MEETING

The date of the next Full Council meeting is scheduled to be held on Thursday, 25 July 2019 at 7.00pm in the Council Chamber.

29. ANNOUNCEMENTS

Brought forward by permission of the Chairman. Requests to be submitted prior to commencement of the meeting.

THE COMMITTEE MAY WISH TO EXCLUDE THE PUBLIC AND PRESS FROM THE MEETING AT THIS POINT PRIOR TO CONSIDERATION OF THE FOLLOWING ITEM BY REASON OF THE CONFIDENTIAL NATURE OF THE BUSINESS TO BE TRANSACTED IE. COMMERCIAL-IN-CONFIDENCE.

30. PROPERTY ACQUISITION

Members to receive a confidential report (attached for the information of Members) regarding an option to acquire the reversionary lease of a Town Centre property of which Godalming Town Council is the Freeholder. Members are requested to consider the recommendations contained within the report.

15. GENERAL POWER OF COMPETENCE

1. BACKGROUND:

- 1.1 Parish and 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.
- 1.2 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 and sponsorship is covered by section 137 of the Local Government Act, 1972.
- 1.3 Despite the wide range of powers, town councils are always at risk of being challenged, especially if they undertake an unusual activity.
- 1.4 In consequence, the Government introduced the “general power of competence” for town and parish councils. The power is set out in the Localism Act 2011 (Part 1, Chapter 1, ss 1-8) and was brought into force by SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 in April 2012.

2. LEGISLATIVE BACKGROUND:

- 2.1 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 SI 965 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”.*

- 2.2 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:

- 3.1 Although the Government has given scant guidance on operation of the power, some activities covered by the legislation include:
  - Running a community shop or post office
  - Lending or investing money
  - Establishing 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.
- 3.2 The power is not restricted to use within the town - an eligible town council can use it anywhere.

#### 4. RESTRICTIONS AND RISKS:

- 4.1 The only real limitation is that the general power of competence cannot be used to circumvent an existing restriction in an existing specific power. The general power of competence is a power; it cannot be used to raise the precept.
- 4.2 Existing duties remain in place, such as having regard to the likely effect on crime/disorder and biodiversity. There are also many existing procedural and financial duties that remain in place for the regulation of governance (e.g. no delegation to a single councillor). Furthermore, councils must comply with relevant existing legislation (e.g. employment law, health and safety, equality legislation and duties relating to data protection and freedom of information).
- 4.3 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.
- 4.4 Whist councils are encouraged to be innovative, they should be aware of the risks of:
- Being challenged
  - Their trading activities damaging other local enterprises
  - Damage to the council’s reputation and public money if a project or investment goes wrong.

#### 5. LOCAL GOVERNMENT ACT 1972 (s137):

- 5.1 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.
- 5.2 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.

#### 6. ELIGIBILITY:

- 6.1 The three conditions for eligibility are set out in the Statutory Instrument (paragraph 1.4 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, Certificate of Higher Education in Local Policy) AND pass the 2012 CiLCA module relating to the general power of competence.
- 6.2 Having decided at a full meeting of the council that it meets the criteria for eligibility at that particular time, a resolution to this effect must be clearly written in the minutes. 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). A 'relevant' annual meeting is the annual meeting of the council after the next ordinary election has taken place.

- 6.3 In consequence, 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.
- 6.4 There is no requirement for members to be trained in the general power of competence.
- 6.5 Godalming Town Council satisfies all the conditions as:
  1. 100% of councillors are elected
  2. The Town Clerk holds the Certificate in Local Council Administration (CiLCA)
  3. The Town Clerk has passed the CiLCA module on the general power of competence.

## **RECOMMENDATION**

It is recommended that the Town Council makes the following resolution:

The Town Council resolves from 16 May 2019, until the next relevant Annual Meeting of the Council (May 2023), 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.



## **GODALMING TOWN COUNCIL**

### **SCHEDULE OF MEETINGS 2019/20** (To be ratified at Annual Council 16 May 2019)

#### **MAY 2019**

2	LOCAL ELECTIONS		
8	Councillor Induction Event	7.00PM	Wilfrid Noyce Centre
16	ANNUAL COUNCIL/MAYOR MAKING	7.00PM	Council Chamber/WNC
22	Policy & Management	7.00PM	Council Chamber
	Mayoralty (Election of Chairman)	8.00PM**	Mayor's Parlour
	Audit (Election of Chairman)	8.00PM**	Council Chamber
	Staffing (Election of Chairman)	8.10PM**	Council Chamber
30	Joint Burial – (Approval of Annual Governance & Accounting Regulations)	5.45PM	Council Chamber

#### **JUNE 2019**

23	CIVIC SERVICE	10.00AM	St Peter & St Paul's
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#### **JULY 2019**

4	Staffing	7.00PM	Council Chamber
11	Joint Burial – Cemetery Inspection	5.00PM	Eashing Cemetery
	Joint Burial	5.45PM	Council Chamber
	Policy & Management	7.00PM**	Council Chamber
18	Audit (Internal Controls)	7.00PM	Council Chamber
25	Full Council	7.00PM	Council Chamber (&MP)

#### **AUGUST 2019 – NO MEETINGS**

#### **SEPTEMBER 2019**

5	Joint Burial – Cemetery Inspection	5.00PM	Nightingale Cemetery
	Joint Burial	5.45PM	Council Chamber
	Policy & Management	7.00PM**	Council Chamber
12	Staffing	7.00PM	Council Chamber
19	Audit (Financial Regulations)	7.00PM	Council Chamber
26	Full Council (Staycation Thank You)	7.00PM	Council Chamber (&MP)

\*\* Meetings will commence at the specified time or at the conclusion of the preceding meeting, whichever is later.

## **OCTOBER 2019**

17	Policy & Management	7.00PM	Council Chamber
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## **NOVEMBER 2019**

7	Joint Burial (Budget) Staffing	5.45PM 7.00PM**	Council Chamber
10	REMEMBRANCE SUNDAY	9.15AM	Wilfrid Noyce Centre
14	Mayoralty	6.30PM	Pepperpot
28	Policy & Management (Revised Estimates)	7.00PM	Council Chamber

## **DECEMBER 2019**

12	Policy & Management (Revised Estimates & Budget)	7.00PM	Council Chamber
19	Full Council (Precept)	7.00PM	Council Chamber (&MP)

## **JANUARY 2020**

16	Policy & Management	7.00PM	Council Chamber
23	Audit (Risk Management)	7.00PM	Council Chamber

## **FEBRUARY 2020 – NO MEETINGS**

## **MARCH 2020**

5	Policy & Management	7.00PM	Council Chamber
19	ANNUAL TOWN MEETING	7.00PM	Council Chamber (&MP)
26	Joint Burial (Year End Audit/Risk Assessment)	5.45PM	Council Chamber

## **APRIL 2020**

16	Policy & Management	7.00PM	Council Chamber
20	Audit (Review System of Internal Control & Annual Accounts)	7.00PM	Council Chamber
23	Full Council	7.00PM	Council Chamber (&MP)
24	MAYORALTY RECEPTION & DINNER	7.15PM	Wilfrid Noyce Centre

\*\* Meetings will commence at the specified time or at the conclusion of the preceding meeting, whichever is later.

## **MAY 2020**

7	ANNUAL COUNCIL/MAYOR MAKING	7.00PM	Council Chamber/WNC
14	Policy & Management	7.00PM	Council Chamber
	Mayorality (Election of Chairman)	8.00PM**	Mayor's Parlour
	Audit (Election of Chairman)	8.00PM**	Council Chamber
	Staffing (Election of Chairman)	8.10PM**	Council Chamber
28	Joint Burial – (Approval of Annual Statement)	6.00PM	Council Chamber

### **FESTIVALS:**

Spring Festival (1<sup>st</sup> Saturday in April)

Summer Festival (provisionally 1<sup>st</sup> Sunday in July for 2019)

Staycation (1<sup>st</sup> complete week in August)

Christmas Festival (Last Saturday in November)

<b>Event</b>	<b>Date</b>
Farmers' Market	Saturday, 30 March 2019
Spring Festival	Saturday, 6 April 2019
Farmers' Market	Saturday, 27 April 2019
St John's Spring Fair	Saturday, 4 May 2019 (TBC)
Annual Council/Mayor Making	Thursday, 16 May 2019
Godalming Run	Sunday, 19 May 2019
Farmers' Market	Saturday, 25 May 2019
Town Show	Saturday, 1 June 2019
Farmers' Market	Saturday, 29 June 2019
Summer Food Festival	Sunday, 7 July 2019
Farmers' Market	Saturday, 27 July 2019
Staycation	Saturday, 3–Sunday, 11 August 2019
Farmers' Market	Saturday, 31 August 2019
Farmers' Market	Saturday, 28 September 2019
Farmers' Market	Saturday, 26 October 2019
Fireworks	Friday, 1 November 2019
Remembrance Sunday	Sunday, 10 November 2019
Christmas Festival & Light Switch-On	Saturday, 30 November 2019
Farncombe Christmas Lights	Friday, 6 December 2019
Blessing of Crib & Carol Service (Godalming Town Day)	Saturday, 14 December 2019
Pancake Races	Tuesday, 25 February 2020
Farmers' Market	Saturday, 28 March 2020
Spring Festival – Spring into Godalming	Saturday, 4 April 2020

\*\* Meetings will commence at the specified time or at the conclusion of the preceding meeting, whichever is later.



## GODALMING TOWN COUNCIL

Disclosure by a Member<sup>1</sup> of a disclosable pecuniary interest or a non-pecuniary interest in a matter under consideration at a meeting (S.31 (4) Localism Act 2011 and the adopted Godalming Members' Code of Conduct).

As required by the Localism Act 2011 and the adopted Godalming Members' Code of Conduct, **I HEREBY DISCLOSE**, for the information of the authority that I have [a disclosable pecuniary interest]<sup>2</sup> [a non-pecuniary interest]<sup>3</sup> in the following matter:-

**COMMITTEE:**

**DATE:**

**NAME OF COUNCILLOR:** \_\_\_\_\_

Please use the form below to state in which agenda items you have an interest.

Agenda No.	Subject	Disclosable Pecuniary Interest	Non-Pecuniary Interest	Reason

**Signed** \_\_\_\_\_

**Dated** \_\_\_\_\_

<sup>1</sup> "Member" includes co-opted member, member of a committee, joint committee or sub-committee

<sup>2</sup> A disclosable pecuniary interest is defined by the Relevant Authorities (Disclosable Pecuniary Interests) regulations 2012/1464 and relate to employment, office, trade, profession or vocation, sponsorship, contracts, beneficial interests in land, licences to occupy land, corporate tenancies and securities

<sup>3</sup> A non-pecuniary interest is defined by Section 5 (4) of the Godalming Members' Code of Conduct.