



EVESHAM TOWN COUNCIL



Notice is hereby given that the adjourned **ANNUAL MEETING OF THE TOWN COUNCIL** will be held in Main Hall, Town Hall, Evesham, at 6.30pm on **MONDAY 22ND MAY 2023** to which you are hereby summoned for the transaction of the business specified below. The meeting will be preceded by Prayers led by the Mayor's Chaplain, Revd Caroline Green.

Jo Adams
Town Clerk

AGENDA

- 1. Apologies for Absence**
- 2. Declarations of pecuniary or other interest in accordance with the Town Council's Code of Conduct, including requests for dispensation (if any)** *Dispensation requests must be received in writing by the Town Clerk prior to the meeting*
- 3. Announcements by the Town Mayor**
- 4. Minutes of the Previous Meetings**
Minutes of the Meetings held on 11th April 2023 and the Mayor Making held on 15th May 2023 are circulated with the agenda for adoption as a true record.
- 5. Committee Minutes**
To receive the committee minutes and approve authorisation for recommendations where applicable:
 - a) Planning and Estates Committee – 17th April 2023
 - b) Town Plan Committee – 24th April 2023
 - c) Planning and Estates Committee – 2nd May 2023
- 6. Finance – Payments and Receipts for March 2023**
Payments and receipts attached.
- 7. Website Photos**
Report attached
- 8. Council Committees**
 - a) Review of Terms of Reference of Committees
 - b) Appointments to Council Committees
- 9. Appointments of Council's Representatives to Outside Bodies**
Report attached



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10. **Review of staff/council subscriptions**
Report attached
11. **Review of Standing Orders and Financial Regulations**
Report attached
12. **Re-Adoption of the General Power of Competence**
Report attached
13. **Vote of thanks for the Coronation Celebrations**
Report attached

Admission of the Public and Media

Members of the Public and Media are welcome to attend in accordance with the Public Bodies (Admission to Meeting) Act 1960 Section 1.

Public Participation

Public Participation is welcomed and will be in accordance with Standing Order 3(e) to 3(j) on a matter before the Council. It would be helpful if anyone wishing to participate would contact the Town Council on 01386 565700, email townclerk@eveshamtowncouncil.gov.uk, or in person, prior to the meeting.

Recording of Meetings

Under the Openness of Local Government Bodies Regulations 2014 the council's public meetings may be recorded, which includes filming, audio-recording as well as photography.

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Abbey Lane Court
Abbey Road
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Worcs WR11 4BY

Tel: 01386 565700
Web: www.eveshamtowncouncil.gov.uk



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AGENDA ITEM 7

PHOTOS OF COUNCILLORS ON EVESHAM TOWN COUNCIL WEBSITE

Historically photos have appeared on the website with some members robed and others not. This could be due to personal preference or someone joining the Council mid-term.

With the influx of new Members, the website needs updating.

A local photographer has been engaged to come on 12th June 2023 and take what the council agrees on. He has quoted £185 for 12 June 2023.

There will be a group photo for all those present with robes and the Clergy and Macebearers will be invited too.

The council is asked if it wishes councillors to be robed in the website photos.



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AGENDA ITEM 8A

REVIEW OF TERMS OF REFERENCE OF COMMITTEES

The Council's committees are created by the Town Council and bound by the Terms of Reference set by it.

Committee Terms of Reference are given below.

Planning and Estates Committee

The Planning and Estates Committee remit is to respond to planning applications, traffic orders, general consultations, issues affecting the Council's estates and green spaces including cemeteries and the Town Hall. It meets on a 3-weekly cycle to fit in with WDC's planning cycle, which usually requires a response within 21 days. The committee has 9 members plus the Mayor and Deputy Mayor.

It has delegated authority to respond to the following without going to the Council:

- (a) To consider and respond to planning applications.
- (b) Minor issues affecting traffic, highways and transport.
- (c) Consultations such as traffic orders, TPOs
- (d) Consultations on proposed changes to District or County Services, e.g. changes to bus services
- (e) Street naming
- (f) Administration of the Town Council estates budget relating to the Town Hall, other buildings and green spaces including cemeteries.
- (g) The organisation of the management of the Council's Allotments, Cemeteries, buildings and other green spaces under the jurisdiction of the Council.
- (h) General environmental issues in and affecting the Town such as litter, grass verges, pavements, roads, recycling and footpaths and other similar matters.
 - (i) The Town's Christmas tree, lights and decorations.

The following matters are recommended to Council:

- (a) Issues affecting the development of the Town e.g. SWDP.
- (b) Major issues affecting traffic, highways and transport.
- (c) Any policy issues connected with Planning and Estates, e.g. the changes in terms and conditions at the cemetery
- (d) Any policy issues connected with the environment of the town
- (e) Any expenditure beyond what is in the budget



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Finance and General Purposes Committee

The Finance and General Purposes committee monitors the Council's expenditure and investments, deals with audit, prepares the Council's budget, and administers grants and expenditure relating to tourism. This committee meets at least 6 times a year. The committee has 8 members plus the Mayor and Deputy Mayor.

The Chairman of the committee does not serve more than one year consecutively, (unless the Mayor is re-elected) and is usually the immediate past Mayor.

The Finance Committee also deals with requests for funding from reserves, for example of a committee's budget was spent, and they had a particular project they wished to pursue. In these cases the Finance committee makes a recommendation to the Council.

This committee has delegated authority to do the following without referring it to Council:

- (a) Administration of the Town Council Finance, Tourism and Grants Budgets.
- (b) The financial administration of the Council, including preparation of the budget, management and use of capital assets, audit, and the expenditure and receipt of monies throughout the year.
- (c) Any other issues, excluding policy, not listed under the scheme of delegation of any other Committee.

The following are recommended to the Council:

- (a) The Standing Orders of the Council.
- (b) Any matter of policy where the Council decides that wider consideration than one Committee alone can give to the subject is needed, or where views need to be co-ordinated across different Committees.
- (c) Setting of the precept upon the rating authority.
- (d) Spending of reserves
- (e) Any other policy issues not listed under the scheme of delegation of any other Committee.

Personnel Committee

The Personnel Committee meets quarterly and deals with issues relating to the Council's staff. It is clerked by the Town Clerk. The committee has 5 members plus the Mayor and Deputy Mayor. Matters discussed at the Personnel Committee are highly confidential and in general the meetings take place in closed session.

The following matters are delegated to the Personnel Committee:

- (a) Administrative matters.



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- (b) The terms and conditions of employment of the Council's staff, excluding the Town Clerk/RFO/Proper Officer (see below).
- (c) Any other matters affecting the Council staff and the personnel policies of the Council.

The following matters are recommended to Council:

- (d) The terms and conditions of employment of the Town Clerk/RFO/Proper Officer.
- (e) Any policy issues connected with the Council staff.

Town Plan Committee

The remit of the committee is to deliver as much as possible the Town Plan recommendations. This committee is made up of 5 town councillors including the Mayor and Deputy Mayor, and 3 co-opted non-councillors from the community. The Chairman of the committee would have to be a serving Town Councillor and could not serve more than 2 consecutive years as Chair. Only Councillor Members of the committee have voting rights. The Committee has the power to co-opt an individual for a defined period to assist them with a specific project.

The committee is advised by the Place Projects Officer or equivalent role.

The committee has delegated authority to undertake the following:

- (a) Establish priorities
- (b) Act on the proposals and projects as set out in the town plan.
- (c) Set up taskforces to help deliver the plan
- (d) Co-opt non councillors for a one year period to aid with delivery of a particular part of the plan
- (e) Incur expenditure up to the budget given to it by the Council and in accordance with the Council's Standing orders and Financial Regulations
- (f) Seek external funding

The following must be recommended to Council:

- (a) Any recommendation or action relating to a service offered by the Town Council
- (b) Any recommendation or action that changes or affects Town Council policy

The Council is asked to review the committee Terms of Reference.



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AGENDA ITEM 8B

APPOINTMENTS TO COUNCIL COMMITTEES

APPOINTMENTS TO COUNCIL COMMITTEES AND STEERING GROUPS

Members have been asked to put themselves forward for any committees and working groups they would like to be a member of. The committees are made up as follows:

- a) **Planning & Estates Committee**
9 Members plus Town Mayor and Deputy Town Mayor
- b) **Finance and General Purposes Committee**
8 Members plus Town Mayor, Deputy Town Mayor and outgoing Mayor (if outgoing Mayor wants to sit on the committee)
- c) **Personnel Committee (oversees all Town Council staff matters)**
5 Members plus Town Mayor and Deputy Town Mayor
- d) **Town Plan Committee**
5 Members plus the Town Mayor and Deputy Mayor, and 3 co-opted non-councillors (co-opted by the committee)

Members have already received a poll asking them to state which committee(s) they would like to serve on.

Each committee is bound by the Council's Standing Orders and Terms of Reference. Where a vote is required due to more councillors wishing to be on the committee than spaces available, any member with over a 50% vote share will automatically be appointed. If more than one round of voting is required, the councillor with the least votes will drop out and the process will begin again.



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AGENDA ITEM 9

APPOINTMENTS OF COUNCIL'S REPRESENTATIVES TO OUTSIDE BODIES

Members have already received information on what each organisation does.

Next to each organisation are the number of members required: -

Name of Organisation	Number of members required
VECTA	1
Estate Charity of John Rudge	2
Evesham Relief in Need Charity	2
Vale Volunteers	2
*John Martin's Charity	2
Evesham and District Mental Health Charity	1
*Great & Little Hampton Education Charity	1
*Smith Memorial Collection Trust	1
Vale Public Transport Group	1
Evesham Arts Association	1

Representatives will be bound by the rules and regulations of the bodies/organisations to which they are appointed.

Where a vote is required due to more councillors wishing to be appointed to the outside body than spaces available, any member with over a 50% vote share will automatically be appointed. If more than one round of voting is required, the councillor with the least votes will drop out and the process will begin again. We will attempt to do any voting using Zoom live polling so please be patient. If it does not work, we will look at an alternative to resolve membership in the following week.



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AGENDA ITEM 10

REVIEW OF STAFF/COUNCIL SUBSCRIPTIONS

The Town Council/Member of staff is/are currently subscribed to the following, the cost of which is met by the Town Council.

- VECTA - £50 per annum
- Society of Local Council Clerks (SLCC) – £310 per annum. The Clerk is a member of this professional body for Clerks that gives access to advice, discounted training events etc
- Cotswold Line Promotion Magazine - £10 per annum
- Museums Association - £125 per annum. The Manager is a member of this body which offers training, advice etc to museum professionals
- Worcestershire County Association of Local Councils £2591.20 per annum. Advisory body for the council and for councillors.
- Institute of Cemetery and Crematorium Management - £90 per annum – The Council is a member of the ICCM which provides regular newsletters, advice line, and training events.
- Hereford and Worcester Chamber of Commerce – £126 per annum. The Almonry is a member of the H&WCC, which aids them in publicising their events, the museum and tourist information.
- National Allotment Society - £55 per annum

Each subscription is a good source of information, and many of them provide an invaluable advice and support network as well as access to sector specific training.

The Council has a specific budget to meet the costs of these subscriptions. This budget code is also used to pay for registering with the Information Commissioners Office, Performing Rights Society, and software licenses, all of which are not optional.

The Council is asked to confirm or amend its subscriptions.



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AGENDA ITEM 11

REVIEW OF THE TOWN COUNCIL'S STANDING ORDERS AND FINANCIAL REGULATIONS

STANDING ORDERS

Standing orders are the written rules of the town council. They are used to confirm the internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of the council but they may refer to them.

Meetings of full council, committee meetings, councillors, the Responsible Financial Officer and Proper Officer are subject to many statutory requirements. A council should have standing orders and financial regulations to confirm those statutory requirements.

All councillors were given a copy of the Council's standing orders and financial regulations during their recent induction and should refer to these. Both the standing orders and financial regulations are based on model documents drafted by the National Association of Local Councils. Standing orders that are in bold type contain statutory requirements and cannot be altered. Model standing orders not in bold are designed to help the council operate effectively but do not contain statutory requirements so they may be amended to suit the council's needs.

FINANCIAL REGULATIONS

Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the Responsible Financial Officer.

Members received copies of the council's financial regulations during their induction and these should be referred to. Similarly, to the standing orders, the financial regulations are based on a model document drafted by the National Association of Local Councils

The Council is asked to review and confirm or amend its Standing Orders and Financial Regulations



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AGENDA ITEM 12

RE-ADOPTION OF THE GENERAL POWER OF COMPETENCE

THE GENERAL POWER OF COMPETENCE

Evesham Town Council first adopted the General Power of Competence in early 2019. The Town Council is required to renew the power on an annual basis, and following an election. This report gives more detail on what the power is what it means for the Town Council.

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 power to provide cemeteries and crematoria) in addition to section 137 of the Local Government Act 1972, permitting the expenditure up to certain limits for “purposes not otherwise authorised”. Section 137 is a last resort power, to be used when no other power can be found.

Despite the wide range of powers, town councils are sometimes at risk of being challenged, especially if they undertake an unusual activity. As a consequence, the Government included a “general power of competence” in the Localism Act 2011 (Part 1, Chapter 1, ss 1-8).

LEGISLATION

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 also to encourage councils to be ambitious with their plans. It is stated 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”*. *The GPC is intended not only to increase local authority powers but to give greater confidence in the scope of those powers and to signal that how those powers are used is a matter for local authorities (Department for Communities and Local Government, November 2011)*

Under the new 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 (as S137 is). The eligible council has to ask itself if an



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individual is allowed to do it. If the answer is “yes”, then a town council is normally permitted to act in the same way.

RESTRICTIONS

The only real limitation is that the general power of competence cannot be used to circumvent an existing restriction in an existing specific power. 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).

If another council has a statutory duty to provide a service (e.g. education, 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.

ELIGIBILITY

The three conditions for eligibility are set out 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 qualification 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.

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 Town Council after the next ordinary election has taken place.

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

Given that there were elections in all the Town Council wards it will continue to meet the criteria with 24 of 24 councillors being elected.

The Council is asked to re-adopt the General Power of Competence.



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AGENDA ITEM 13

VOTE OF THANKS FOR THE CORONATION CELEBRATIONS

Cllr Clatworthy has requested the item to formally thank staff members for organising the King's Coronation celebrations, held on the 6th May 2023.

The Council is asked to consider the request.