

# Devizes Town Council

[www.devizes-tc.gov.uk](http://www.devizes-tc.gov.uk)

## **DEVIZES TOWN COUNCIL**

### **Statutory Annual Meeting**

### **AGENDA**

You are summonsed to attend the Statutory Annual Meeting of the Devizes Town Council Committee at the following, place and date:

Date: **19<sup>th</sup> May 2022**

Time: **6.45pm**

Place: **Assembly Room, The Town Hall, Devizes**

Enquiries: Town Hall - Tel: 01380 723333

Chairman: The Town Mayor (Councillor Gay)

Councillors:	Bridewell	Britten	Brown
	Burton	Corbett	East
	Geddes	Giraud-Saunders	Greenwood
	Hopkins	Hoult	Hunter
	Nash	Oliver	Ormerod
	Pennington	Rose	Stevens
	Wallis	Wooldridge	

#### **1. TO ELECT A TOWN MAYOR FOR THE YEAR 2022/23**

The Council to elect the Mayor for the municipal year 2022/23.

(After formal election the newly elected Town Mayor will retire to the Grand Jury Room with the outgoing Town Mayor, in order to enable the newly elected Town Mayor to robe).

**2. DECLARATION OF ACCEPTANCE OF OFFICE**

The newly elected Town Mayor to make the Statutory Declaration of Acceptance of Office.

**3. MAYORAL THANKS**

The Town Mayor to return thanks for his election.

**4. MAYORESS'S BADGE OF OFFICE**

The Mayor to announce his Mayoress for Civic Year 2022/23.

**5. MINUTES**

The Council to confirm the Minutes of the Meeting of the Full Council on 10th March 2022.

**6. APOLOGIES FOR ABSENCE**

**7. IMMEDIATE PAST TOWN MAYOR: VOTE OF THANKS**

**8. THE IMMEDIATE PAST TOWN MAYOR TO RESPOND**

**9. TO ELECT A DEPUTY TOWN MAYOR FOR THE YEAR 2022/23**

**10. THE TOWN MAYOR WILL REPORT ON THE FOLLOWING PREROGATIVE APPOINTMENTS MADE NAMELY:**

- (a) The Town Mayor's two Chamberlains
- (b) The Town Mayor's High Constables
- (c) The Mayor's Chaplain
- (d) The Macebearers
- (e) The Mayor's Officer

**11. COMMITTEE MINUTES**

To note the Minutes of Committees as follows:

<b>COMMITTEE NAME</b>	<b>COMMITTEE DATE</b>
Planning Committee	15 <sup>th</sup> March 2022
Planning Committee	29 <sup>th</sup> March 2022
Planning Committee	12 <sup>th</sup> April 2022
Planning Committee	26 <sup>th</sup> April 2022
Planning Committee	10 <sup>th</sup> May 2022
Community & Civic Resources	29 <sup>th</sup> March 2022
Community & Civic Resources	10 <sup>th</sup> May 2022
Recreation & Properties	12 <sup>th</sup> April 2022

## 12. REPORT FOR DECISION – GENERAL POWER OF COMPETENCE

### **Recommendation**

That Devizes Town Council passes a resolution to continue its eligibility to exercise the General Power of Competence.

### **Purpose of the Report**

To comply with the legislative requirements for Devizes Town Council to remain eligible to exercise the General Power of Competence.

### **Background**

Town and Parish (Local) Councils are created by statute and, therefore, are only able to exercise those duties and powers conferred on them by statute or necessarily implied or consequential to the exercise of a power.

There is a very wide range of powers that are contained within many different pieces of legislation stretching back to the 1800s.

The Localism Act 2011 provides for the General Power of Competence (GPC), giving eligible local councils the broad power to do anything that an individual generally may do. This removes the need to refer to individual pieces of statute to determine whether the Council can undertake an activity or not and gives much greater freedom to act.

In order to exercise the General Power of Competence, The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 requires eligible councils to pass a resolution confirming it has a:

- Minimum  $\frac{2}{3}$  of the members holding office as a result of being declared elected
- “Qualified Clerk”

These two conditions have been achieved.

There are certain restrictions that give limitation in exercising the Act:

- Statutory duties must be considered such as the impact on crime and disorder and biodiversity.
- Procedural and financial duties e.g., delegation to individual councillors remains unlawful
- Other legislation must be complied with such as employment, equality, health & safety legislation.

### **Options Considered**

The Council is asked to decide if it wishes to exercise the General Power of Competence and, if so, to pass the following resolution

THAT the Council confirms that it has achieved a minimum of two thirds of its membership holding office as a result of being declared elected and the Town Clerk holds the 2015 Cilca qualification and therefore elects to exercise the General Power of Competence.

### **Implications & Risks**

#### **Financial and Resource Implications**

There are no financial or resource implications associated with this decision.

#### **Legal Implications and Legislative Powers**

The Localism Act 2011, Chapter 1, Part 1, sections 1-8 provides for the General Power of Competence (GPC).

#### **Environmental Implications**

There are no environmental implications associated with this decision.

#### **Risk Assessment**

There are no risks inherent with the decision to exercise the General Power of Competence – any risks are associated with the decisions that might be taken under these powers would need to be considered within the context of those decisions.

#### **Crime and Disorder**

There are no crime and disorder implications associated with this decision.

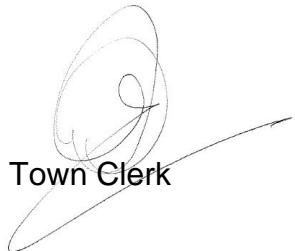
13. **TO RECEIVE AND DEAL WITH ANNOUNCEMENTS AND COMMUNICATIONS**
14. **TO ANSWER QUESTIONS (IF ANY) UNDER STANDING ORDER NO. 12(d)**
15. **DATES AND TIMES OF MEETINGS 2022/23**

A schedule has been circulated previously.

**16. COMMON SEAL**

To pass the following Resolution:

THAT the Common Seal of the Council be affixed to or the Town Clerk do sign on behalf of the Council where appropriate any Orders, Deeds or Documents necessary to give effect to any of the matters and recommendations contained in the reports received and adopted at this meeting or other decisions of the Council taken thereat.



Town Clerk