

MELBOURNE PARISH COUNCIL

Mrs J Storer (Clerk to the Parish Council)
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DATE: 25th August 2015

To: The Chairman and Members of Melbourne Parish Council

Dear Councillor

You are summoned to attend the Ordinary meeting of Melbourne Parish Council which will be held on **Tuesday 1st September 2015 at 7.30pm** in The Lounge, Melbourne Assembly Rooms, Melbourne.

Members are asked to complete the Declarations Sheet for items other than Disclosable Pecuniary Interests (DPI). These will be available at the meeting.

Yours sincerely

Jacqui Storer
Clerk to the Parish Council

AGENDA – ORDINARY PARISH COUNCIL MEETING

PART I – NON CONFIDENTIAL INFORMATION

- 1 To receive apologies for absence.
- 2 Variation of Order of Business
- 3 Declaration of Members Interests.

Please Note:-

- (a) Members must ensure that they complete the Declarations of Interest sheet prior to the start of the meeting in respect of items other than Disclosable Pecuniary Interests and must indicate the action to be taken
- (b) Where a Member indicates that they have a prejudicial interest, but wish to make representations regarding the item before leaving the meeting, those representations must be made under item (c) of Public Speaking.

4. To grant any dispensations following declaration of interests

5. Public Speaking – Total of 15 Minutes
 - (a) A period of not more than 3 minutes will be made available for members of the public and Members of the Council to comment on any matter.
 - (b) If the Police Liaison Officer, a County Council or District Council Member is in attendance they will be given the opportunity to raise any relevant matter.
 - (c) To receive a flooding update/STW update
 - (d) Members declaring an interest other than a Disclosable Pecuniary Interest who wish to make representations or give evidence under the National Association of Local Councils' (NALC) Code of Conduct shall do so at this stage.

6. To approve the Minutes of the Meetings held on 6th July 2015 and 15th July 2015 (Copy attached)

7. To receive reports from the Committees and Working Parties

Highways Committee 15th July 2015
Planning & Strategy Committee 15th July 2015
Telephone Kiosk Working Party
Neighbourhood Development Plan Working Party

8. To determine which items if any from Part 1 of the Agenda should be taken with the public excluded.

If the Council decides to exclude the public it will be necessary to pass a resolution in the following terms: -
“In view of the confidential nature of item to consider a resolution to exclude the press and public from the meeting in accordance with the Public Bodies (Admission to Meetings) Act 1960, s1, in order to discuss the item.”

9. Chairman’s Announcements and Reports.
 - a) For the Chair of the Parish Council to present any reports and/or amendments
 - b) For the Chair of the Parish Council to report on matters discussed during the public participation section as appropriate

10. To receive the report of the Clerk (previously circulated)

11. To appoint Cllr Parker as the Parish Council's representative to the Flooding Liaison Group

12. Reports from representatives on outside organisations

Senior Citizens Centre
Infant School Governors
Safer Neighbourhood
Education for Melbourne
Festival
Sporting Partnership
Assembly Rooms
Donington Park Liaison Committee

13. Cockshut Lane sports development
 - a) to confirm entering into an agreement to secure the most advantageous use of land as a public recreation ground for the residents of Melbourne

 - b) to confirm that cricket facilities will be available at the facility even if the location has changed slightly

14. Governance Matters
 - a) To consider a report on the Local Council Award Scheme

 - b) To adopt the General Power of Competence

15. Parish Council assets
 - a) To execute the Transfer Deed for the purchase of the public toilets on Derby Road, Melbourne

 - b) To sign the Deed of Dedication relating to the Cockshut Lane development

16. Correspondence
 1. DALC – Various Circulars
 2. Mrs D Fathers – Poor condition of the road at The Crescent
 3. RoSPA – Report on Lothian Gardens
 4. Mrs Robbins – Suggestion to relocate the jawbones
Referred from the Strategy Committee for the Parish Council to consider
 5. Cllr Chilton – Information relating to the ownership of Market Place
 6. SDDC – Inspection Report of the play equipment on District Council controlled land
 7. DCC – Confirmation that an order has been submitted to repaired the 40mph sign on the A514

8. DCC – Confirmation that the defaced 40mph speed sign on Cockshut Lane is to be replaced
9. DCC – Response to request for the installation of a pedestrian crossing in the centre of Melbourne, being for an officer to attend a site meeting on 9th August
10. SDDC – Grant application form for funding from Safer Neighbourhood fund of a possible upgrade of the CCTV system
11. SDDC – Advising that the leases relating to the Cockshut Lane development have been exchanged.
12. Neighbourhood Development Plan – Minutes of the meeting held 10th August 2015
13. SDDC - Parish Liaison minutes and forthcoming briefing sessions
14. SDDC – Derbyshire Cycle Plan
15. Mr G Medland – Overgrown foliage covering pavements
Matter reported to DCC and letter sent to owner of the property
16. DCC – Confirmation that a letter has been sent to the owner on Derby Road where shrubbery is overhanging and obstructing the pavement.
17. Mr P Grimley – Copy of email sent too Cllrs and ST regarding blocked gullies

17. Finance

- (a) Accounts for Payment – see Finance sheet
- (b) Receipts
SDDC – Second half of precept = £31,513
- (c) Risk Assessment update
- (d) New Chairman’s Honour Board
- (e) Audit Return for 2014/15

18. To consider Planning Applications

9 2015 0592 – The felling of a conifer tree (T1) at 42 Derby Road, Melbourne
NO OBJECTIONS

9 2015 0593 – The felling of two trees at 46 Derby Road, Melbourne
NO OBJECTIONS

9 2015 0576 - The erection of extensions and alterations, the enlargement of the existing vehicular highway and the associated garden works at 26 Church Street, Melbourne
NO OBJECTIONS

9 2015 0509 – the conversion of outbuilding (use Class C3) to a dog grooming business at 46 Commerce Street, Melbourne

9 2015 0601 – Extension to industrial (use class B2) premises at Quill International Group, Castle Lane Industrial Estate, Castle Street, Melbourne

9 2015 0642 – The demolition of existing semi-bungalow and garage block and the erection of a new dwelling and garage at 20 Market Place, Melbourne

9 2014 1145 – Outline application (all matters to be reserved) for the residential development of up to 120 dwellings at land at SK3825 9795 and Jawbone Lane, Kings Newton

Reason for consultation: Revised plans and statements

9 2015 0628 – The erection of extensions at 35 Nettlefold Crescent, Melbourne

9 2015 0647 – the erection of replacement dwelling and detached garage after demolition of existing bungalow at Park Lea, Melbourne Lane, Ticknall

9 2014 1145 – Outline application (all matters to be reserved) for the residential development of up to 120 dwellings at land at SK3825 9795 at Jawbone Lane, Kings Newton

REASON FOR RECONSULTATION: Additional visualisations and amended masterplan

9 2015 0643 – The erection of a conservatory at 14 Potter Street, Melbourne.

9 2015 0663 – The erection of a five bedroom dwelling and detached outbuilding including new accessed to the proposed dwelling and existing public house at Ye Olde Packhorse Inn, Packhorse Road, Melbourne

OBJECTION: on the grounds that the creation of 2 new access points to the property is hazardous particularly being so close to the roundabout, this presents significant risks to pedestrians.

9 2015 0578 – The erection of a garage extension at 86 The Woodlands, Melbourne

9 2015 0671 – Listed building consent for minor alterations to a wall within the property to expose oak beams and repair damaged section of one beam and replacement of existing soft wood staircase with an oak staircase at 20 Main Street, Kings Newton

9 2015 0558 – New agricultural dwelling in part of existing curtilage of Woodhouse Farm Cottage, Woodhouses, Melbourne

9 2015 0546 – Outline application (all matters except for access layout and scale to be reserved) for the erection of a single storey building to create 5 letting bedrooms at Melbourne View Hotel, Station Road, Melbourne

9 2015 0694 – The felling and pruning of trees at 62 Derby Road, Melbourne

9 2015 0629 – Change of use to taxi rank office (use class SUI Generis) at Unit 2, Castle Lane Industrial Estate, Castle Street, Melbourne

9 2015 0508 – The erection of a cattle shed (west) at Chantry Farm Shop, Kings Newton Lane, Melbourne

9 2015 0726 – The erection of a proposed cattle shed (east) at Chantry Farm, Kings Newton Lane, Melbourne
NO OBJECTIONS

9 2015 0557 – The erection of a 3 bed dwelling and 2 car port (resubmission of 9/2014/0544) with use of existing access from road on land to the rear of 78 Ashby Road, Melbourne

REASON FOR RECONSULTATION: Development not in accordance with the development plan.

19. Consultations for consideration

- a) SDDC – Licencing policy
- b) SDDC – Gambling policy

20. Items for information only

- a) Forthcoming meetings and training

- b) Meetings attended

- * Joint Liaison meeting between Parish Councils and SDDC – 8th July at 6.30pm at SDDC offices
- * Area & Safer neighbourhood Meeting – 22nd July 2015
- * Meeting with Severn Trent Water – 25th August 2015

21. Date and venue for the Parish Council and its Committee meetings 2015

- | | |
|----------|---------------------|
| Burial | Facilities |
| Highways | Planning & Strategy |

22. To move the following resolution - “That in view of the confidential nature of the business about to be transacted (in respect of the personal situation of an employee which could result in legal proceedings) it is advisable in the public interest, that the press and public be temporarily excluded and they are instructed to withdraw.”

CLERK'S REPORT – SEPTEMBER 2015

Agenda Item No:

10. Clerk's Report

- a) The Clerk has submitted the road closure applications for the Wakes and the Christmas Evening; these are still pending with SDDC.
- b) Letters have been sent to Arriva to advise of the Remembrance Parade and to request that buses are kept from the route during this time.
- c) The Clerk has sent out letters seeking quotations for this year's Christmas Trees; the quotations will be submitted to the October Parish Council meeting. In addition the Sexton has made a suggestion that a further 6' Christmas tree is purchased (if one cannot be donated by a local business) which can be put in the Cemetery Chapel. The proposal is that this is a remembrance tree; the only decoration provided by the Parish Council will be some battery operated lights (again if we cannot get a donation of lights), and a supply of tags which people can then write messages to hang on the tree and to spend some time in the chapel remembering their loved ones during this time of year. The chapel is in the process of being cleaned. People will also be allowed to bring small, non musical, Christmas cards on the understanding that these will be recycled in January.

It is anticipated that a tree and the lights will be donated by local contractors associated with the cemetery, therefore the only costs will be

- i) The tags and ribbons on which the messages are to be written
- ii) A floral display for the chapel

Total anticipated cost £70

The chapel during December will be open during the working day and the possibility of it being open during the weekend is being considered. In addition, the Clerk put in her report on the condition of the chapels, that one of the events that could be held was the holding of a non religious carol service during the day time on a weekend in early December. At the time of the report it was thought that this would not be possible until after the repairs have been undertaken, but following advice from an architect (on 21/08/2015) that it is possible to hold services in the chapel now, the chapel is being cleaned and so such an event would be possible to be held this year. The main objective of this proposal is for people to enjoy the singing, and/or to remember loved ones.

There are added benefits which are

- i) To raise the profile of the chapel and to inform that works are to be undertaken
- ii) To demonstrate that the chapel is being used, which is of use for making grant applications.

The anticipated costs of this event will be

- i) the hiring of portable halogen heaters which are estimated to be about £42

for a weekend and £60 for the week per heater.

ii) Extension leads to provide power to this chapel from the other side at £20

iii) The cost of having some song sheets printed, estimated £10-15

iv) Should it be an outside event, then none of the costs in i) and ii) be required

Initial enquiries have been with Cllr Jackson and it is a possibility that the band can play at the event with no charge to the Parish Council, but a request will be made for the band to have a donation box. Consideration will be given to other such services and events being held during this time, in order to avoid a clash.

The possibility of hiring a water urn, purchasing paper cups and providing some hot chocolate at this event is also a possibility, but this could be investigated further should the Parish Council agree to the event being held.

16. Public Toilets

The Parish Council is request to seal the transfer deed to enable the Parish Council to become the legal owners of the public toilets on Derby Road. SDDC has agreed for the difib to be installed on the public toilet building without any additional permissions being sought. The Clerk has checked with the planning dept and has been advised that the difib can be installed without the need for planning permission. A housing box for the difib is required and the Clerk has now gone out to obtain these costs. The quotations will be brought to the next Facilities Committee for approval, subject to the cost, or for a recommendation for the Parish Council meeting in October.

15. Finance

Grant Thornton has completed the audit on 9th July; no matters or comments have been raised. The Audit Form has been returned and the notice advertising the conclusion of the audit was displayed.

14. Local Council Award Scheme

The Clerk attended a training seminar on 21st July 2015 which explained the new Award Scheme which has replaced the Quality Parish Council scheme. The Clerk has previously circulated information in her Clerk's Report November 2014 which explained about the scheme in some detail and to avoid repetition that information has not n included again but additional information received at the training seminar is provided with this report. The Parish Council is asked to decide whether it wishes to proceed to participate in the Local Council Award Scheme and if so at which level.

THE ORGANISATIONS INVOLVED

Improvement and Development Board

Comprises the National Association of Local Councils, Society of Local Council Clerks, County Association officers, Department of Communities and Local Government & Local Government Association. Their aims include:

- To support County Associations of Local Councils and SLCC by providing strategic direction and nationally produced training and support materials
- To liaise with Government in relation to improvement and development issues affecting local councils
- To promote quality and consistent standards in local councils

Derbyshire Association of Local Councils

- Affiliation to the National Association means staff are knowledgeable and well-placed to support local councils in Derbyshire with the LCAS
- Provides training and support to local councils on LCAS criteria and accreditation procedure
- Provide access to the LCAS Accreditation Panel

PURPOSE

To recognise achievement and set a framework for continuous improvement

BENEFITS TO THE COUNCIL

- Improved performance and confidence with policies in place for continuous development
- Recognition and respect for commitment and hard work
- Know they are performing to a shared set of standards
- Assurance of being up-to-date and progressive
- Chance to review what the council does which increases appreciation and commitment
- Chance to look at how the community is being served by the council
- Helps to focus on planning for improvement over the short, medium and long term
- Link to training means higher performing councils with good risk management
- Adds to profile and credibility of councils with others
- Might give the edge to grant applications and partnership/pilot bids

BENEFITS TO PARTNERS

- Confidence that the council is delivering to a national professional standard

BENEFITS TO THE FIRST TIER OF LOCAL GOVERNMENT

- Contributes to national reputation of councils demonstrating achievements and a commitment to improving
- Provides an opportunity to assess and improve on own terms
- Potential for increased powers and grants

OVERVIEW OF SUPPORT AND ASSESSMENT

Culture

- Peer review
- Simple, efficient and flexible
- Encouraging and supportive
- Open

Formal

- Robust accreditation process against clear criteria
- Portfolio, evidenced submission
- Lasts 4 years
- Expected to maintain its reputation by meeting criteria throughout the 4 years (no requirement to notify)
- Only lose award where a significant event demonstrates the council's poor performance (IDB decides and applies sanctions – remove all awards/returns council to lower award. Appeal to IDB is available).
- Loss of qualified clerk unlikely to lead to loss of Award.
- Not linked to GPOC (pg 10)
- If apply for higher award, fresh registration and application (if within 1 year of previous successful accreditation, Panel does not revisit evidence for lower award)
- Must use online registration
- In all cases, council confirms that the required documents, information and conditions are in place (whether published or not) by resolution at a full council meeting

THREE LEVELS OF AWARD

- **Foundation (minimum standards)**
Minimum documentation and information in place for operating lawfully and according to standard practice and policies for training councillors and officers and is building a foundation for improvement and development
- **Quality (good practice)**
Good practice in governance, community engagement and council improvement
- **Quality Gold (best practice)**
Forefront of best practice, achieves excellence in governance, community leadership and council development

FEES

- **National Association of Local Councils registration fee £50**
- **Accreditation Panel fee (based on annual council income) varies depending on category:**

Level	Small <£25,000	Medium £25,000-£250,000	Large >£250,000
<ul style="list-style-type: none"> • Foundation • Quality • Quality Gold 	<ul style="list-style-type: none"> • £50 • £60 • £100 	<ul style="list-style-type: none"> • £50 • £80 • £150 	<ul style="list-style-type: none"> • £50 • £100 • £200

- **Panels may set higher charges** depending on local circumstances. County Associations can confirm
- **Fee reduced by 20%** (both fees) if council sought accreditation at lower level within previous 12 months
- **Both fee are double if non-member.** Higher fees might apply depending on local circumstances. County Associations can confirm

THREE MAIN THEMES

- Good governance
- Community leadership
- Council development

THE ACCREDITATION PROCESS

- **Foundation level**
Check for lawfulness and standard practice (otherwise not judgemental). Unless it is a matter of law, no judgement on quality of evidence – just spot-checks that the documentation and information is in place, up-to-date and complies with award guidance.
- **Quality level**
Check that council demonstrates good (not best) practice in governance, community engagement and council improvement. Light touch assessment that acting lawfully and good practice being followed. Spot-checks that the documentation and information is in place, up-to-date and complies with award guidance.
- **Quality Gold level**
Checks council is at the forefront of best practice and achieves excellence in governance, community leadership and council development. Quality of documents and information assessed in some depth. Spot-checks that the documentation and information is in place, up-to-date and complies with award guidance.
May include discussion with staff and councillors and site visits.
Applicants must provide additional statements for submission demonstrating excellence in their activities. The Panel may ask for additional information to check the accuracy of claims.
Panel interested in whether pre-existing reputation for being at forefront of best practice. Not in criteria but is potentially a contributing factor. It will not override missing or substandard evidence.

• **Quality and Quality Gold**

Include review of lower level criteria (if >1 year since Foundation Award and, where relevant, Quality Award)

THE RESULT

- Put on national list of councils with awards
- Resources to make the most of the award
- Logo - template press releases, letters to MPs and Principal Local Authorities etc

HOW WILL THE SCHEME REMAIN RELEVANT?

- **Quality Assurance**
Twice a year IDB random checks of documents and information on council's website
- **Evaluation**
Panels must feed back after each accreditation and councils are asked for views on benefits and schemes one year after accreditation

LOGOS



Below is a simple tick sheet which provides the basic outline of the typical information required for each level.

RPO – Resolution at full council meeting that it publishes online & meets requirements of lower award. R – Resolution at full council meeting that it has. RS – Resolution at full council meeting that it has prepared (1 page max) statements to submit to Panel

	Foundation	Quality	Quality Gold
GOVERNANCE			
Standing Orders and Financial Regulations (RPO)	✓	✓	✓
Code of Conduct & Link to Register of Interests (RPO)	✓	✓	✓
Publication Scheme (RPO)	✓	✓	✓
Last Annual Return (RPO)	✓	✓	✓
Transparent Information about Council Payments (RPO)	✓	✓	✓
Calendar of All Meetings including APM (RPO)	✓	✓	✓
Year of Minutes for Council, Cttees & Sub-Cttees (RPO)	✓	✓	✓
Current Agendas (RPO)	✓	✓	✓
Budget & Precept Info (current or next financial year) (RPO)	✓	✓	✓
Complaints Procedure (RPO)	✓	✓	✓
Risk Management Scheme (R)	✓	✓	✓
Register of Assets (R)	✓	✓	✓
Contracts for All Members of Staff (R)	✓	✓	✓
Draft Minutes for Council & Cttees Within 4 weeks (RPO)	✓		✓
Health & Safety Policy (RPO)	✓		✓
Policy on Equality (RPO)	✓		✓
Scheme of Delegation, Where Relevant (R)	✓		✓
Up-to-Date Insurance Policies that Mitigate Risks to Public Money (R)	✓		✓
Addressed Complaints Received In one Year (R)	✓		✓
Business Plan Covering Financial Forecast for at Least 3 Years Linked to Revenue and Capital Plans for Council & Ctty (RPO)		✓	
Ensures Council Delivers Value for Money (RS)		✓	
Delivers Best Practice in Meetings its Duties in Relation to Bio-Diversity and Crime and Disorder (RS)		✓	

15. General Power of Competency (GPC)

The previous Parish Council adopted the GPC; below is a brief guide together with the Local Government Association literature for completeness. Please note in particular, the section below relating to S137 expenditure.

Recommendation: as the Parish Council satisfies the criteria for GPC and as there are a number of projects on the horizon (Chapel refurb, public toilets) the power of GPC may be useful to the Parish Council.

1. Legislative background to the power

Parish councils are corporate bodies their powers have accumulated through legislation since 1894. Their powers being constrained to specific and appropriate legislation until 2008 when they could, if eligible, exercise the Power of Well-being 2008 Order made under Sec 1 (2) of Local Government Act 2000 for the benefit of their community.

The Localism Act 2011, Chapter 1 of Part 1, Sections 1-8 has provided local authorities with a general power of competence, a radical new power with wide ranging possibilities. The broader general power of competence replaces the power of well-being.

The general power of competence was brought into force by SI. 961, The Localism Act 2011 (Consequential Amendments) Order 2012 on 28th March 2012.

2. What does the power allow councils to do?

The power is a central part of this Governments move towards the decentralisation of powers down to the lowest practical level of local government. The Explanatory Memorandum to The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 no. 965 says that

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

The Government hopes that this new power will give local councils confidence in the legal capacity to act for their communities. The idea being that councils will use this power to work with others to provide cost-effective services and facilities in new ways to meet the needs of local communities.

The General Power of Competence, Localism Act 2011 Sec 1 (1) gives local authorities, including eligible local councils, *“the power to do anything that individuals generally may do”* as long as they do not break other laws. It is intended to be a power of first, not last, resort.

The council has to ask itself if an individual is allowed to do it, if the answer is yes then a council is normally permitted to act in the same way.

A council could:

- lend or invest money
- it could set up a company or co-operative society to trade and engage in commercial activity
- it could run a community shop or post office
- the power is not restricted to use within the parish it can be used anywhere.

3. Risks and restrictions limiting the general power of competence

The general power of competence is a power; it cannot be used to raise the precept. The council can seek other sources of funding such as Community Infrastructure Levy (CIL), sponsorship, commercial activity and agreements with other authorities. Councils can receive income as a consequence of using the power, they could lend money to support a local activity and earn interest on the loan, they could purchase shares in a struggling local enterprise.

However, to use this power the council must have the support of the local community. While councils are being encouraged to be innovative they should be aware of the risk of:

- being challenged
- their trading activities damaging other competing local enterprises
- damage to the councils reputation and public money if a project goes wrong.

Existing duties remain in place, such as having regard to the likely effect on crime and disorder, biodiversity and the duty to provide allotments

Existing financial and procedural duties remain in place for regulating governance for example - no delegation to a single councillor

Councils must continue to comply with relevant existing legislation - employment law, Health and Safety legislation, equality legislation and duties related to data protection and freedom of information.

If a council wishes to trade it must set up a company or co-operative society and abide by company law. The council can charge for services provided under the power.^{1,2}

If the council wishes to invest in a local business which it hopes will support the local economy it should follow Government advice³. If it wishes to support a community enterprise, an economic development grant might be a sensible option.

If another authority has a statutory duty to provide a service (eg education) it remains their duty to provide it but your council may assist. The council needs to ask itself whether an individual, private company or community trust could help, if the answer is yes then the council can assist. An appropriate delivery body may need to be set up.

If the action the council wishes to take is also covered by a specific power then any restrictions that apply to the overlapping power remain in place. So if existing legislation requires the council to ask permission before acting, then it must do so. For example, the council asks permission of the Highways Authority before doing work on roadside verges.

4. How does the general power of competence relate to Sec 137 expenditure?

¹ <http://www.communities.gov.uk/documents/localgovernment/pdf/133628.pdf>

² <http://www.communities.gov.uk/documents/localgovernment/pdf/323153.pdf>

³ <http://www.communities.gov.uk/documents/localgovernment/pdf/1501971.pdf>

Monies that can be spent under Sec 137, Local Government Act 1972 are limited and have to be budgeted for separately, they are restricted in that they cannot be used to give money to individuals and expenditure must be commensurate with the benefit. Sec 137 is a power of last resort. A council that is eligible to use the general power of competence can no longer use Sec 137 as a power for taking action for the benefit of the area or its community except Sec 137 (3) which permits the council to contribute to UK charities, public sector funds and public appeals remains in place.

The general power of competence is a very broad ranging power, far wider than any power that has previously been available to town and parish councils, wider than sec 137 and the power of well-being.

5. How to become eligible to use the power of general competence

The conditions for eligibility are set out in the Statutory Instrument, Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012⁴. They are:

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. The resolution can be passed at any meeting of the council but a further resolution must be passed at every subsequent “relevant annual meeting” for the council to be able to continue to exercise the power. A “relevant annual meeting” is the annual meeting that takes place in a year of ordinary elections, once every four years.

2. Electoral Mandate

At the time the resolution is passed, at least two thirds of the members of the council must hold office as a result of being declared elected. This means they should have stood for election, whether at an ordinary or by election, even if unopposed, rather than co-opted or appointed. If two thirds is not a whole number then it must be rounded up. For example, if the total number of councillors is 8, then two thirds is approx 5.3, then the number of councillors that must be elected is 6.

3. Qualified clerk

At the time the resolution is passed the clerk must hold the certificate in local Council Administration, the Certificate of Higher Education in Local Policy, the Certificate of Higher Education in Local Council Administration or the first level of the foundation degree in Community Engagement and Governance (or successor qualifications) awarded by the University of Gloucestershire. The clerk must also have completed training in the exercise of this power as part of one of these qualifications or as separate exercise.

If the council loses its qualified clerk or has insufficient elected councillors then it must record its ineligibility at the next ‘relevant’ annual meeting of the council (after the ordinary election). If it has already started an activity it can finish that but not start anything new.

⁴ <http://www.legislation.gov.uk/ukdsi/2012/9780111519868/body>

References/web links

Localism Act 2011

www.legislation.gov.uk/ukpga/2011/20/contents/enacted

Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012

<http://www.legislation.gov.uk/ukdsi/2012/9780111519868/body>

Localism Act 2011: Explanatory Notes

<http://www.legislation.gov.uk/ukpga/2011/20/notes/division/5/1/1>

Charging guidance

<http://www.communities.gov.uk/documents/localgovernment/pdf/151291.pdf>