

General Power of Competence

Summary – This report explains the General Power of Competence and confirms that Marlborough Town Council is eligible to re-adopt it.

1. Background

The Localism Act 2011, Chapter 1 of Part 1, Sections 1-8 has provided local authorities with a General Power of Competence, a power with wide ranging possibilities. The power is a central part of this Government's move towards the decentralisation of powers down to the lowest practical level of local government.

The General Power of Competence 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. A 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. It could lend or invest money, set up a company or co-operative society to trade and engage in commercial activity, run a community shop or post office, etc. More details are set out in a Briefing Note at **Appendix 1**.

Eligibility - The Town Council must resolve that it meets the criteria for eligibility relating to the electoral mandate and relevant training of the Clerk. 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. If two thirds is not a whole number then it must be rounded up. (In Marlborough's case, the total number of Councillors is 16, then two thirds is approx. 10.6 so the number of Councillors who must be elected is 11. With only 1 vacancy to be filled by co-option, the current Town Council of 15 hold office as declared elected (even though unopposed).

The current Town Clerk holds the relevant sector specific qualification (CiLCA) and has received training in the exercise of this new power.

This council shall be eligible to use the General Power from the time the resolution is passed until the day of the next Annual Meeting of the Town Council held after ordinary elections. (In this case, this will be in May 2021).

Town Clerk's Recommendation

The Town Clerk recommends that as Marlborough Town Council meets the criteria for eligibility as follows:

- i) The number of Councillors elected at the last ordinary election equals or exceeds two thirds of its total number of councillors and
- ii) The Town Clerk is qualified and holds the sector specific qualification (CiLCA) including Unit 7 relating to General Power of Competence

then it adopts the General Power of Competence.

Town Clerk

May 2017

Insurance Renewal

Summary - The existing long term insurance agreement (LTA) with Zurich comes to an end on 16th June 2018.

1. Background

Financial Regulations para.15 sets out the following:

15. INSURANCE

15.1. Following the annual risk assessment (per Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers.

15.2. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.

15.3. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.

15.4. All members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the council.

In addition, Financial Regulations, para. 11.1. (a).ii) confirms that procedures for contracts do not apply to specialist services such as insurance. However, such services should be reviewed regularly. This was reviewed in June 2013 when a number of options were looked into and a substantial saving was made on the then insurance premium. (Prior to 2013 when this LTA was entered into, the premium was close to £24,000 pa).

There are few other providers with local government specialist knowledge. Zurich do have a specialist team dealing solely with town and parish councils. It is the service provider for many town and parish councils offered through the Wiltshire Association of Local Councils (WALC)).

Claims - In 2013, Zurich handled a large claim following the theft of the Mayoral Chain and the full replacement value was paid. There have also been some minor motor claims. All have been handled efficiently. No brokers are involved.

2. Renewal of Claim

The existing LTA comes to an end on 16th June 2018. All risks, playground inspection services, motor insurance, legal expenses and hirer's liability are included. A full assessment of reinstatement costs for all Town Council-owned buildings has been provided to the insurers.

3. Financial Implications

The renewal premium will be £17,387.42 for 2017/18 which falls within the budget line of £18,500 and still leaves a contingency for further cover (e.g. the Youth Centre) if the need arises.

Town Clerk's Recommendation - The Town Clerk recommends that Members note that the current LTA with insurers, Zurich, comes to an end in June 2018.

Town Clerk - May 2017

ITEM 14

Review of Council's and/or staff memberships and subscriptions to other bodies.

Summary

In accordance with Standing Orders 6k (xii), Members are asked to review and consider subscriptions and memberships.

1. Background

List below are the current subscriptions and memberships

Administration

Wiltshire Association of Local Councils	1085.00
NALC (LCR Magazine)	17.00
Community First	36.00
Zurich – LCAS Membership	95.00
Visit Wiltshire	760.00
Communicorp (Local Council Updates)	100.00
SLCC	284.00
Information Commission	35.00
Tower and Town	5.00
Communicorp (Clerk & Councils Magazine)	12.00

Outside

Institute of Cemetery & Crematorium Management	90.00
Open Spaces Society	45.00
National Allotment Society	66.00
CPRE	36.00
Pear Technology (IT Mapping System)	140.00
ARK	30.00

Town Clerk's Recommendation

The Town Clerk recommends that Members approve the current subscriptions and memberships.

Author – Office Manager

May 2017

Town Council Vacancies

Summary

Following an uncontested election (in both the East and West Wards), the Town Council is now promoting 1 Councillor vacancy in the West. As we have already gone through an election process, Wiltshire Council has confirmed that we have 35 days to implement the co-option process. The selection will take place at an Extra-Ordinary Full Town Council meeting on 14th June 2017

1. Background

As long as a potential candidate qualifies to be a Councillor then he/she can step forward. They have to be:

- a British, Commonwealth, Irish or European Union citizen
- 18 years old or over and meet at least one of the following criteria:
 - i) have been on the electoral register for the parish, or
 - ii) during the previous 12 months have owned or tenanted land or premises in the parish, or
 - iii) during the previous 12 months their principal or only place of work has been in the parish, or
 - iv) during the previous 12 months they have resided in the parish or within 3 miles of it.

Certain people are unable to stand and these include paid officers of the council, bankrupts and those subject to recent sentences of imprisonment.

2. The Process

All candidates will be treated alike and after expressing an interest and confirming that they qualify for the role, each will be invited:

- To come along to the Town Council offices to talk to the Town Clerk about becoming a Town Councillor and given some literature about Marlborough Town Council and the role of a Councillor
- To provide a written statement (no more than one side of A4) setting out why he/she would like to serve as a Councillor and what attributes they might bring to the role. This statement will be included in agenda papers
- To make a short presentation (up to 3 mins) to the Full Town Council on 14th June 2017 where Members can ask questions.

The deadline for expressions of interest from potential candidates will be **Wednesday, 7th June 2017**. The vacancy is being advertised via the website, posters and social media.

3. Voting

Members will listen to presentations, ask questions and vote for their chosen candidates after all have spoken at the meeting on 14th June. Here is an extract from WC guidance:

The person co-opted must receive an absolute majority vote of the councillors present and voting. For example, where there is a council of eleven members and there are nine councillors present and voting, the absolute majority is five. Where there are more than two candidates for the vacancy, it may be necessary to run a series of votes, each time removing the candidate who has the least number of votes until one candidate secures an absolute majority.

Councillors shall vote by show of hands, or, if at least two members request it, by ballot.

After the vote has been concluded, the Mayor will declare the successful candidate duly elected.

An example

On the assumption that all 15 Town Councillors are present, a majority of 8 votes would be needed to identify the successful candidate. Councillors keep voting until a majority vote is reached. Each Councillor has 1 vote. If no majority is reached, then the candidate(s) with no votes or the least drops off the end. If say 5 candidates get 1 vote each which is the bottom vote then all 5 move off the list. If we get down to the last three candidates for a vacancy and the vote is 6-3-3 then the bottom votes will need to be split through a vote to decide who goes forward against the candidate achieving 6.

4. Point to Note

Following the 2013 local elections 2 vacancies attracted 10 candidates.

Town Clerk's Recommendation

The Town Clerk recommends that Members agree to the co-option process for the Extra-Ordinary Full Council meeting of 14th June 2017.

Author – Town Clerk

May 2017

Marlborough Youth and Community Centre

Summary – This report asks Members to consider a recommendation around the signing of a draft lease and associated documents enabling the Town Council to take on Marlborough Youth and Community Centre at St Margaret’s Mead. It also suggests establishing a Working Party.

1. Background

At the meeting of 6th March, Members passed the following resolution:

RESOLVED: (ii) to accept, as soon as possible, the offer by Wiltshire Council to enter into a 7 year lease for the former Youth Centre and to continue to press for a Community Asset Transfer.

2. Update

The process was pushed back due to elections on 4th May and 8th June – the building is used as a Polling Station. A Working Party was held on Tuesday, 11th April. Cllrs Farrell and Dobson and the Town Clerk met with Wiltshire Council officers at site on 27th April and an inventory taken. A number of discussions have taken place and questions about the draft lease (prepared by Wiltshire Council) put forward by Cllrs and the Town Clerk. Following this, a revised draft lease was issued which is at **Appendix 1**. The Town Council’s solicitor has also looked over the first draft and the Town Clerk will update Members on this at the meeting.

3. Community Asset Transfer

The aspiration is for the Town Council to have the freehold of the building via a Community Asset Transfer (CAT). As all CATS are currently under review by Wiltshire Council this is not possible at the current time. Both parties have agreed that it is sensible for the Town Council to take on the building under a 7 year lease rather than it be mothballed and deteriorate further. However, as there cannot be a clause in the lease confirming that the lease will drop away once the CAT is agreed, WC will provide a Memorandum of Understanding (MOU) acknowledging this. A draft is at **Appendix 2**.

4. Financial Implications

An additional £20,000 was put into the 2017/18 budget to cover costs towards taking on assets and devolved services from Wiltshire Council. This budget line totals £23,000 and will cover revenue costs. More investigative work needs to be done around the costs of decorative and refurbishment work, removal of asbestos and re-modelling of rooms to make them fit for purpose. Also, what funding streams or external grants might be available for this work or what income might be achieved by hiring out both the facilities and offices to community groups.

Other resources – There is expertise in-house in terms of venue management and the building will, certainly initially, be administered by the Town Council. Some additional resource has been identified with a newly recruited part time caretaker.

5. Working Party

A Working Party was established in the last Council. Members should consider re-establishing this with a meeting as soon as possible to discuss the practicalities of the building being run by the Town Council from 12th June (changing locks, honouring existing bookings, use during summer holidays, etc.)

Town Clerk's Recommendation

The Town Clerk recommends that Members

- i) Consider if there should be any further enquires around the draft lease and it be delegated to the Town Clerk to follow these through so that the lease can be signed in time for handover on 12th June
- ii) Agree the draft MOU as drawn up by Wiltshire Council
- iii) Nominate Members for a Working Party to meet as soon as possible ahead of 12th June.

**Town Clerk
June 2017**