



HENLEY-ON-THAMES  
TOWN COUNCIL

Town Hall  
Market Place  
Henley-on-Thames  
Oxfordshire  
RG9 2AQ

Tel 01491 576982

enquiries@henleytowncouncil.gov.uk  
www.henleytowncouncil.gov.uk

**YOU ARE HEREBY SUMMONED TO ATTEND  
THE ANNUAL MEETING OF HENLEY- ON - THAMES  
TOWN COUNCIL**

to be held on

**MONDAY 13th MAY 2019 AT 11.30AM**

in

**QUEEN ELIZABETH II HALL, TOWN HALL,  
MARKET PLACE,  
HENLEY-ON-THAMES**

Janet Wheeler  
Town Clerk/Chief Officer  
7 May 2019

Councillor Ken Arlett  
Councillor Ian Clark  
Councillor Miss Donna Crook  
Councillor David Eggleton  
Councillor Stefan Gawrysiak  
Councillor Will Hamilton  
Councillor Miss L M Hillier  
Councillor Miss Kellie Hinton  
Councillor John Hooper  
Councillor Paula Isaac  
Councillor Glen Lambert  
Councillor Miss Sarah Miller  
Councillor Laurence Plant  
Councillor Ian Reissmann  
Councillor Rob Roman  
Councillor Michelle Thomas

The Processional Party headed by the Mace Bearer, Retiring Mayor, Councillor Glen Lambert, Retiring Deputy Mayor Councillor Ken Arlett, Town Clerk and Mayor's Chaplain enters wearing robes and civic regalia.

Father Jeremy Tayler will open the proceedings with prayers.

## AGENDA

### **1. ELECTION OF MAYOR 2019 – 2020**

- (a) Retiring Mayor calls for nominations.
- (b) Retiring Mayor declares result of election (which must be put to the vote even if only one nomination).

### **2. DECLARATION OF ACCEPTANCE OF OFFICE**

- (a) The newly elected Mayor will make and sign a Declaration of Acceptance.
- (b) The Town Clerk will sign as witness.
- (c) Robing Party then retires from the Main Hall in the following order: -
  - Mace Bearer
  - Retiring Mayor
  - Town Clerk
  - New Mayor
  - Mayor's Chaplain
- (d) On returning the New Mayor will take the Chair.
- (e) The Retiring Mayor will invest the New Mayor with the Chain of Office.
- (f) The New Mayor will give a vote of thanks for his/her election.

### **3. VOTE OF THANKS TO THE RETIRING MAYOR**

The Mayor will call for a motion that a vote of thanks to the Retiring Mayor be recorded in the Minutes.

### **4. MAYOR'S RELIEF AND CONVALESCENT FUND**

- (a) The Retiring Mayor will respond to the Council's expression of thanks.
- (b) Receive and Adopt the Relief and Convalescent Fund report.
- (c) The Retiring Consort will invest the New Mayoress with the Badge of Office for Mayoress.

### **5. APOLOGIES FOR ABSENCE**

### **6. APPOINTMENT OF DEPUTY MAYOR**

- (a) The Mayor calls for nominations.
- (b) Mayor declares result of election (which must be put to the vote even if only one nomination).
- (c) The Mayor will invest the Deputy Mayor with the Chain of Office.
- (d) The Retiring Deputy Mayoress to invest the Deputy Mayoress with the Badge of Office for Deputy Mayoress.

7. **ELECTION OF STANDING COMMITTEES**  
TO APPOINT the Standing Committees for the year 2019 – 2020 and to agree the Membership thereof – and note the Terms of Reference.
8. **MEMBERSHIP OF 357 READING ROAD AND THE FAIRMILE WORKING GROUPS**  
TO APPOINT the membership of the above-named Working Groups for the year 2019 - 2020.
9. **OUTSIDE BODIES**  
TO APPOINT representatives to Outside Bodies for the year 2019–2020.
10. **GENERAL POWER OF COMPETENCE**  
TO RE-ADOPT the General Power of Competence as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012. *See Report attached.*
11. **RECRUITMENT OF TOWN CLERK AND INTERIM ARRANGEMENTS**  
TO APPOINT a working group to recruit a new Town Clerk and to confirm arrangements to cover the period from the current Town Clerk finishing and the new Town Clerk starting.

LW

07 May 2019

**Report of the Town Clerk to the Annual Meeting of the  
Henley-on-Thames Town Council on 13 May 2019**

**Report on: The General Power of Competence**

**1. Background Information:**

- 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. For example, a recent court ruling pronounced that pre meeting prayers by a town council was unlawful.
- 1.4 In consequence, the Government included a "general power of competence" in the Localism Act 2011 (Part 1, Chapter 1, ss 1-8). It 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 the above Statutory Instrument 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 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.** 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 Activities covered by the legislation include:**

- Running a community shop or post office
- Lend or invest money
- Establish 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.
- An example at Henley is the new Bus Service.

### **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** Whilst 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.

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Councillor Miss Sarah Miller  
Councillor Laurence Plant  
Councillor Ian Reissmann  
Councillor Rob Roman  
Councillor Michelle Thomas

## Leena Wisely

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**From:** Ian Reissmann <ian.reissmann@gmail.com>  
**Sent:** 07 May 2019 12:32  
**To:** Janet Wheeler; Leena Wisely  
**Cc:** Glen Lambert; Councillor Miss K Hinton; Councillor S J Gawrysiak; Cath Adams; Councillor K Arlett  
**Subject:** Re: Mayor Making Agenda

Janet

After discussion, can we add the following to the agenda please:

- Standing Committee Terms of Ref: to approve all 4. We can re-use last years (and the 1st meeting is able to recommend changes to next FC)
- subcommittees: to establish 357 and Fairmile. Membership to follow (probably at MM itself).
- WG: Staffing : to consider recruitment of new TC and and arrangements to cover the interim between the current TC finishing and the new TC starting. Membership to follow (probably at MM itself).

Thanks - Ian

On 07/05/2019 10:19, Janet Wheeler wrote:

Just to say that I will add an item regarding General Power of Competence.

Thanks

Janet Wheeler

Mrs J. Wheeler  
Town Clerk  
Henley-on-Thames Town Council  
Council Offices  
Town Hall  
Market Place  
Henley-on-Thames  
Oxon. RG9 2AQ

Tel: 01491 630074

Fax: 01491 571660

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**From:** Leena Wisely  
**Sent:** 07 May 2019 10:14  
**To:** Janet Wheeler; Glen Lambert; Councillor I Reissmann  
**Subject:** Mayor Making Agenda

Dear All,

Please see the agenda for Mayor Making on Monday.

With the Bank Holiday, time is not on our side and we need to agree this by 1pm today, so I can get it printed and into the post to all by 3pm.

See addition of item 9, which is different to last year.

Kind regards

Leena