



Lichfield City Council

Donegal House, Bore Street, Lichfield, Staffordshire, WS13 6LU

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Town Clerk: Anthony D Briggs B.A. (Hons), CiLCA

To: Members of Lichfield City Council

9 May 2023

Dear Councillor

You are hereby summoned to attend the Annual Meeting of **Lichfield City Council** to be held in the Guildhall, Lichfield, on **Monday, 15 May 2023** at **6.30 pm**, at which the following business will be transacted. Any member unable to attend should forward their apologies to the Town Clerk.

Yours sincerely

Anthony Briggs
Town Clerk

Please note that **PRAYERS** will be said at **6.28pm** before the opening of the meeting.

AGENDA

- 1 ELECTION OF MAYOR FOR THE ENSUING YEAR
- 2 APOLOGIES FOR ABSENCE
- 3 COUNCIL MINUTES
To confirm as a correct record the Minutes of the City Council Meeting held on 17 April 2023 (copy attached). *[NB: This item is for the accuracy of the Minutes only; any 'Matters Arising' on the Minutes will be taken at the Council Meeting on 12 June 2023]*
- 4 APPOINTMENT OF DEPUTY MAYOR
- 5 ELECTION OF SHERIFF
- 6 MAYOR TO RETURN THANKS FOR ELECTION
- 7 DEPUTY MAYOR TO RETURN THANKS FOR APPOINTMENT
- 8 SHERIFF TO RETURN THANKS FOR ELECTION
- 9 MAYOR TO ANNOUNCE THE APPOINTMENT OF CHAPLAIN

- 10 **MAYOR TO ANNOUNCE THE APPOINTMENT OF THE MAYOR’S CADET**

- 11 **VOTE OF THANKS TO RETIRING MAYOR**

- 12 **RESPONSE FROM THE RETIRING MAYOR**

- 13 **VOTE OF THANKS TO RETIRING SHERIFF**

- 14 **RESPONSE FROM THE RETIRING SHERIFF**

- 15 **THE MAYOR TO PRESENT CHAIN OF OFFICE TO THE MAYOR’S
CONSORT/MAYORESS, DEPUTY MAYORESS/DEPUTY MAYOR’S CONSORT AND
SHERIFF’S LADY/CONSORT**

- 16 **THE MAYOR TO PRESENT REPLICA BADGES OF OFFICE TO THE RETIRING
MAYOR AND MAYORESS**

- 17 **THE MAYOR TO PRESENT REPLICA BADGES OF OFFICE TO THE RETIRING
SHERIFF & SHERIFF’S CONSORT**

- 18 **APPOINTMENT OF LEADER**

- 19 **APPOINTMENT OF DEPUTY LEADER**

- 20 **APPOINTMENT OF COMMITTEES**
 To confirm the membership of Committees for 2023/2024 including the respective Chair
 and Vice Chair (*To follow under separate cover as **APPENDIX 1***).

- 21 **MEMBERS’ DECLARATIONS OF ACCEPTANCE OF OFFICE**
 To consider an extension of time for completion of members’ declarations of acceptance
 of office (if required). The Town Clerk will provide a verbal update at the meeting.

- 22 **GENERAL POWER OF COMPETENCE**
 To consider the Town Clerk’s report at **APPENDIX 2** (attached).
 ***RECOMMENDED: The City Council to resolve to adopt the General Power of
 Competence until the Annual Meeting of the Council in 2027, having met the
 conditions of eligibility as defined in the Localism Act 2011 and SI 965 the Parish
 Councils (General Power of Competence)(Prescribed Conditions) Order 2012.***

- 23 **MAYOR TO CLOSE THE MEETING**

Lichfield City Council

Minutes of the Meeting of Lichfield City Council held in Guildhall, Lichfield on Monday 17 April 2023 at 6.30pm

PRESENT: Councillors J Checkland (Mayor), J Anketell, H Ashton, C Ball, G Boyle, J Eagland, M Field, C Greatorex, J Greaves, R Harrison, I Jackson, P Jones, A Lax, J Marks, T Matthews, P McDermott, C Rapley, P Ray, D Robertson, A Smith, J Smith, M Trent, M Warfield and R Yardley.

APOLOGIES: Councillors D Baker, D Dundas and C Spruce.

112 MAYOR'S ANNOUNCEMENTS

The Mayor reported on the engagements he attended in recent weeks including meeting the Duke and Duchess of Gloucester, the Johnson Society AGM, the unveiling of the Barber plaque at Cruck House and the Easter Sunday service at the Cathedral. The Mayor also took the opportunity to reflect on some of the memorable moments during his year in office such as the Queen's Platinum Jubilee, the Commonwealth Games and the Proclamation of The King.

The Mayor also took the opportunity to thank all Councillors for their time and commitment in serving the Council and wished those who were standing for re-election well. He also thanked Officers, the Sheriff, Sheriff's Consort and Mayoress for their support throughout his year in office.

113 DECLARATIONS OF INTEREST AND REQUESTS FOR DISPENSATION

Councillor C Ball declared an interest under Appendix B of the City Council's Code of Conduct in relation to agenda item 8 (minute 117) as a member Lichfield and District Allotment Society. Cllr Ball left the room during discussion of this item and voting thereon.

Councillor H Ashton declared an interest under Appendix A of the City Council's Code of Conduct in relation to agenda item 9 (minute 118) as a member of the Enabling Group of Churches Together in Lichfield. Cllr Ashton left the room during discussion of this item and voting thereon.

114 COUNCIL MINUTES

RESOLVED: *That the Minutes of the Council Meeting held on 13 March 2023 (Nos 98-111), be confirmed and signed as a correct record.*

115 MATTERS ARISING

Councillor P McDermott enquired who the Mayor Elect and Deputy Mayor Elect would now be in view of Councillor P Jones recent deselection for the forthcoming elections in May. The Town Clerk responded that legally the resolution passed by Council on 13 March 2023 will still stand until the Annual Council meeting on 15 May 2023.

116 PLANNING COMMITTEE (DELEGATED AUTHORITY)

RESOLVED: *That comments submitted to Lichfield District Council for the period 2 March 2023 to 30 March 2023 and made in the name of LCC via delegated authority, be received.*

117 NEIGHBOURHOOD PLAN IMPLEMENTATION WORKING PARTY

Members considered the minutes and recommendations of the NPIWP meeting held on 4 April 2023, including the recommendation that £27,500 of CIL be allocated to Lichfield and District Allotment Society for improvements to access roads and other infrastructure improvements within the allotment sites, and £11,200 of CIL be allocated to Boley Park Pre School as a contribution toward the improvement of the children's play area.

RESOLVED: That the minutes and recommendations of the meeting of the NPIWP held on 4 April 2023 be adopted.

118 GRANT APPLICATION – CHURCHES TOGETHER IN LICHFIELD

Members considered a grant application from 'Churches Together in Lichfield' who had applied for a grant from the City Council in the sum of £500.00 to provide a Christmas dinner for approximately 50 elderly, lonely and disabled residents in Lichfield. The grant would be used to fund the food and gifts, the event being run by volunteers.

RESOLVED: That a grant in the sum of £500.00 be awarded to Churches Together in Lichfield to fund the Christmas meal and gifts as detailed in the application.

119 GRANT APPLICATION – LICHFIELD PRIDE

Members considered a grant application from Lichfield Pride who had applied for a grant in the sum of £500.00 to hire the Market Square and Pool Walk for the Pride march, and also to contribute to seating/entertainment provision on the day.

RESOLVED: That a grant in the sum of £500.00 be awarded to Lichfield Pride to fund as detailed in the application.

120 OFFICERS' REPORT

Councillor J Eagland thanked the Civic Officer for the organisation of recent Civic events and the warm welcome guests received on Easter Sunday. Councillor C Greatorex commended Officers for their achievements at the Samuel Johnson Birthplace Museum, and improvements in the Markets and Public Open Spaces. Councillor C Ball commented on the recent unveiling of the Barber plaque at Cruck house noting how moving the event was and asked that the minutes record special commendation to the MHO for her efforts in this regard. Councillor A Lax gave sincere thanks to all those facilitating the new flower bed on the Friary Remains for Ukrainian families. Cllr R Harrison asked that the contribution of Lichfield Litter Legends to the Ukraine flower display be formally recorded in the minutes.

RESOLVED: That the report be noted.

121 PAYMENT OF ACCOUNTS

RESOLVED: That payment of accounts be approved and confirmed as listed in the agenda for the periods:

- **1 January 2023 to 31 January 2023 in the sum of £124,776.06 General Account, and £817.24 Imprest Account.**
- **1 February to 28 February 2023 in the sum of £84,971.71 General Account and £996.54 Imprest Account.**

THERE BEING NO FURTHER BUSINESS THE MAYOR DECLARED THE MEETING CLOSED AT 18.57 PM

MAYOR

For Council: 15 May 2023 APPENDIX 2

THE GENERAL POWER OF COMPETENCE

1. Background

Parish councils are corporate bodies with accumulated powers that are constrained to specific and appropriate legislation. For example, the provision of open spaces and recreational facilities (Open Spaces Act 1906) or the power to provide and equip community centres (Local Government (Miscellaneous Provisions) Act 1976). Ordinarily, a parish council cannot therefore undertake a particular activity unless it has the power under a specified statute to do so.

To combat this restriction and provide some flexibility, Section 137 of the Local Government Act 1972 permits expenditure up to certain limits for '*purposes not otherwise authorised*'. Typically, the expenditure on certain grants and sponsorship is covered by this legislation. Such expenditure is limited, has to be budgeted and recorded separately, and the amount spent must be commensurate with the benefit received; a judgment that could be very subjective.

2. Purpose of the General Power of Competence

Despite the provision of S137, parish councils are at significant risk of challenge, especially if they undertake an unusual activity. In consequence, the Government included a "General Power of Competence" (GPC) in the Localism Act 2011 that was brought in to force by SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012.

The GPC is a '*power of first resort*' intended to give local authorities wider powers to deliver more for their communities by allowing a council to do anything that individuals generally may do, except where other aspects of law forbid such action. As an example, by adopting the GPC, the Council does not need to rely on S137 for some of its grant awards (as it did prior to 2019) and therefore has greater freedom in this regard.

3. GPC Qualifying Criteria

- At least two thirds of members must be declared elected (rather than co-opted)
- The Town Clerk to hold the Certificate in Local Council Administration (CiLCA) qualification.

The City Council meets both criteria.

In addition (though not a requirement) the Deputy Town Clerk also holds the CiLCA qualification.

4. Risks of Utilising the GPC

Although councils are encouraged to be innovative, they should be aware of the risks involved in using the power in addition to the more usual considerations of available finance and level of community support. For example:

- There remains a risk of being challenged, potentially via Judicial Review
- Trading activities could damage competing local activities
- The council risks its reputation and public money if a project goes wrong

5. Limitations of the GPC

- **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 for the regulation of governance.
- The GPC cannot be used to alter the **structure of the council** (for example introducing a 'cabinet' style system of governance)

- 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, social service, highways) it remains their duty to provide it. Nonetheless, by using the GPC, eligible parish councils may assist in these duties.

6. Example Uses of the GPC

As a power of first resort, the GPC can be used for most Council activities. LCC has used the GPC predominantly for grant awards, but some other examples of how it could be used, together with basic risks and restrictions are provided below.

Example	Risk	Restriction
Establish a company to run a local shop	Lack of resources	Prevailing employment/health and safety regulations etc will apply
Lend or invest money	Financial losses	Available funding and financial regulations
Carry out functions outside the Council's area	Lack of community support	Prevailing employment/health and safety regulations etc will apply

If the City Council were to decide to use the GPC for a new purpose then it would be appropriate to consider that project together with its associated risks and restrictions as one (or several) specific reports to council. However, at this stage the Council is asked only to adopt the GPC in order that should it decide to use the power it can do so.

7. Previous Adoption of the GPC

At its meeting of 17 June 2019, the City Council adopted the GPC for the remainder of the 2019-23 electoral period, the corresponding minute is reproduced below:

29 GENERAL POWER OF COMPETENCE

Members considered the Town Clerk's report and recommendations at Agenda Appendix 7.

RESOLVED: That from the 17 June 2019 until the next relevant Annual Meeting of the Council in 2023, the City Council adopts the General Power of Competence having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence)(Prescribed Conditions) Order 2012.

Once the council has decided that it meets the conditions, it retains the ability to use the GPC until the Annual Meeting of the council in the next ordinary election year. At that point the council must again decide whether it meets the conditions and reconsider whether it wishes to adopt the GPC.

Members are asked to consider adopting the GPC for the 2023-27 electoral term.

RECOMMENDED: The City Council to resolve to adopt the General Power of Competence until the Annual Meeting of the Council in 2027, having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 the Parish Councils (General Power of Competence)(Prescribed Conditions) Order 2012.