



EUXTON PARISH COUNCIL

Annual Council Meeting

Thursday, 16 May 2023, 7.15 pm start

Annexe, Euxton PC Community Centre, Wigan Road, Euxton

Dear Councillor

9 May 2024

You are summoned to attend the Annual Full Council Meeting of Euxton Parish Council to consider the items detailed on the attached agenda.

If you are unable to attend please could you submit an apology to the Clerk.

Regards

Debra Platt

Clerk to the Council

D. Platt
CLERK
Published: 09/05/24

Full Council meetings 2024 – 20 June, 18 July, 19 September, 17 October, 21 November

Newsletter deadlines: 08/05/24 for June issue; 07/09/24 for September issue; 09/11/24 for December issue; 07/02/25 for March issue;

EUXTON PARISH COUNCIL



Meeting arrangements: ANNUAL Full Council Meeting

Thursday, 16 May 2024, 7.15 pm start

Annexe, Euxton PC Community Centre, Wigan Road, Euxton

AGENDA

Doc. Ref

1. Election of Council Chairman
To nominate and elect a Chairperson. To receive the Chair's Declaration of Acceptance of office or, if not received, decide when it shall be received.
2. Election of Vice Chairman
3. Representatives on Committees, Lead Members, Groups and Outside Bodies
Agree memberships of Committees and representatives
4. Apologies
5. Declarations of Interest and Dispensation Considerations
Members are reminded of their responsibility to declare any interest in respect of any matters contained or brought up at any point in this meeting, in accordance with the current Code of Conduct. Council will consider dispensation requests.
6. Minutes of Council Meetings
Approve the signing as a correct record, Full Council of 18 April 2024
7. Public Participation
Matters brought to the Parish Council by residents. The Chair may limit a member of the public to 3 minutes of speaking in order to ensure the smooth running of the meeting. Overall this section will typically be limited to 20 minutes although the Chair may, at their discretion, extend this.
8. Statutory Business
 - 8.1 Co-option to Councillor vacancy Item 8.1
 - 8.2 Planning - Consider planning report from Lead Member for Planning, approve responses and ratify responses made between meetings or to meet deadlines Item 8.2
9. Financial Items – as circulated
 - 9.1 Approve Expenditures for this month, and any submitted after the agenda Item 9.1
 - 9.2 Receive CIL update report and Income report Item 9.2
 - 9.3 Receive the Internal Audit Report Item 9.3
 - 9.4 Receive the Annual Governance Statement (Section 1) and approve Item 9.4
 - 9.5 Receive the Accounting Statements (Section 2) and approve Item 9.5

D. Platt
CLERK

Published: 09/05/24

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10. Proposal for Council to confirm it meets the requirements for the 'General Power of Competence'

Item 10

11. Advertising by the roadside information

Item 11

12. Matters for information

Notify the Chair prior to the meeting starts of any item to be brought up under this section. Only items of information, referral to another authority, or matters offered for consideration at a future meeting can be raised. No legal decisions can be taken.


D. Platt
CLERK
Published: 09/05/24

Full Council meetings 2024 – 20 June, 18 July, 19 September, 17 October, 21 November

Newsletter deadlines: 08/05/24 for June issue; 07/09/24 for September issue; 09/11/24 for December issue; 07/02/25 for March issue;

Date, Valid, Ref	Description/Location (click to be directed to www)	Comment/Recommendation
24/00290/CLPUD	GA Pet Food Partners Unit 2 Revolution Park Buckshaw Avenue Buckshaw Village Chorley PR7 7DW Application for a certificate of lawfulness for the erection of an open-sided canopy extension	
24/00308/TPO	21 Dunnock Drive Euxton Chorley PR7 6QX Application for works to protected trees - Chorley BC TPO 11 (Euxton) 1987: T5 Oak - 4 metre lateral reduction to reduce proximity to property, 10% thin; T6 Oak - 4 metre lateral reduction to reduce proximity to property, 10% thin; and T7 Ash - 2 metre lateral reduction to reduce proximity to property.	
24/00325/CLPUD	27 Stirling Drive Buckshaw Village Chorley PR7 7LS Application for a certificate of lawfulness for a proposed single storey rear extension	
24/00367/MNMA	Gleadhill Coach House Dawbers Lane Euxton Chorley PR7 6EA Minor non-material amendment to planning permission ref 23/00815/FULHH (Replacement porch to front elevation, replacement windows & doors, and new solar array to roof of rear elevation (following demolition of existing front porch)) to change replacement window & door design and frame colour.	

Item 9.1

Euxton Parish Council

Payments for May 2024

Date	Supplier	Description	£.
01/05/2024	Easywebsites	Website & Emails	118.80
01/05/2024	EE Mobile & BB	Office mobiles	100.70
01/05/2024	Chorley Bus & Tech	Office rent	444.00
16/05/2024	Peoples Pensions	Pensions	265.05
30/04/2024	BT	Telephone lines & BB	251.43
24/04/2024	Aspli	Litter picker ends	90.48
24/04/2024	Screwfix	Gloves	77.87
01/05/2024	Tesco	Fuel	15.01
01/05/2024	Pole Greeeen	Plants	30.50
07/05/2024	Lebara	Sim Allotment	1.48
07/05/2024	CEX	Mobile	115.00
07/05/2024	Tesco	Mop and cleaners	33.20
07/05/2024	Timpson	Padlock	9.95
16/05/2024	C&W Berrys	Stone & soil	175.18
16/05/2024	JDH Business Svs	Internal Audit	501.60
16/05/2024	Lancashire Wildlife Trust	Planting	960.00
16/05/2024	JRB	Dog bags	528.00
16/05/2024	Euro Digital	Photocopies	64.63
16/05/2024	HiVis	Workwear	273.29
16/05/2024	HiVis	Workwear	24.58
16/05/2024	HiVis	Workwear	13.20
16/05/2024	PFA Consulting	Prison campaign	1200.00
			<hr/>
			5293.95

CIL updates

The CIL update report below was received on 22nd April, after the last meeting:

CIL Overview

Civil Parishes:	28 Oct Total Payment Actual	28 April Total Payment Actual
Euxton	£18,507.80	£99,905.47

CIL Breakdown

CP Area	Planning App Ref	Amount Received 1 Apr - 30 Sept	Amount Received 1 Oct - 31 Mar
Euxton	22/00317/FUL	£3,808.39	£0.00
Euxton	21/01475/FULMAJ	£14,699.41	£44,098.24
Euxton	21/01475/FULMAJ LPI	£0.00	£24.97
Euxton	20/01141/FULMAJ	£0.00	£51,856.63
Euxton	20/01141/FULMAJ LPI	£0.00	£132.13
Euxton	21/01444/FUL Plot 2	£0.00	£3,793.50

The question raised at the April was: 21/01475 the former DXC site - EuxtonPC has received £14,699.41 – was this the whole CIL allocation or is there another payment?

Response: £44,098.24 was received on 10th May 2024 (see above grid, right column) but also, CBC responded that there is a projected final payment due Oct/Nov24 to Euxton PC of £17,285.

This makes the former DXC site amount to approx: £76,083 (plus some late payment interest smaller amounts).

Report annexes

Attached to this report are:

- CIL update report taking us to May 2024
- Updated CIL 123 request list for reference

EUXTON PARISH COUNCIL

CIL Monies Report

Financial Year: 1 April 2024 to 31 March 2025

Statutory

CIL Income Breakdown Report

Date	Location	£
10/05/24	21/01475/FULMAJ - former Xeleflex new properties	£44,098.24
10/05/24	21/01475/FULMAJ LPI - as above, Late Payment Interest	£24.97
10/05/24	20/01141/FULMAJ - Group 1, adjacent Trinity site 2	£51,856.63
10/05/24	20/01141/FULMAJ LPI - as above, Late Payment Interest	£132.13
10/05/24	21/01444/FUL Plot 2 - new houses adjacent Buckshaw Hall	£3,793.50
		£99,905.47

CIL Expenditure Breakdown Report

Date	Description/location	£
16/05/24	PFA Consulting - Prison traffic planning appeal	£1,000.00
		£1,000.00

CIL Reconciliation

Date	Description	£ IN	£ Out
2016/17	Total CIL received	69,656.93	
2016/17	Total Expenditure		- 22,480.75
2017/18	Total CIL received		
2017/18	Total Expenditure		- 1,950.00
2018/19	Total CIL receipts	174,092.45	
2018/19	Total Expenditure		- 7,712.47
2019/20	Total CIL received	9,184.73	
2019/20	Total Expenditure		- 18,817.52
2020/21	Total CIL received	7,119.29	
2020/21	Total Expenditure		- 2,030.00
2021/22	Total CIL received	11,718.62	
2021/22	Total Expenditure		- 218,781.28
2022/23	Total CIL received	62,102.32	
2022/23	Total Expenditure		0
2023/24	Total CIL received	162,911.30	
2023/24	Total Expenditure		172,074.61
2024 / 2025	Total CIL received	£99,905.47	
2024 / 2025	Total Expenditure		1,000.00
		596,691.11	- 99,697.41

CIL Balances / Spending Years (less expenditure)

Date	Description	£
Apr-23	Outstanding unspent (allocations see CIL123 list)	£34,431.21
Oct-23	Outstanding unspent (allocations see CIL123 list)	£18,507.80
May-23	Outstanding unspent (allocations see CIL123 list)	£99,905.47
CIL funds above c/f from 31 March 2024		£152,844.48
Less expenditure above		£1,000.00
CIL funds carried forward (less the expenditure above)		£151,844.48

Balance 496,993.70

CIL 123 LIST

as@ May 2024

£

Requests against CIL receipts

Grants earmarked (Prison APC)	1,500
Environmental projects (Leisure)	35,000
Primrose Hill play area refurb (Leisure)	65,000
Southport Road project (Leisure)	150,000
	<u>251,500</u>

CIL receipts projected

Receipts

Carry Fwd/Remaining

		52,939
April/May 24	99,905	
Oct/Nov24 (projected)	17,285	
	<u>117,190</u>	
		170,129



Euxton Parish Council

Internal Audit Report 2023/24

JDH BUSINESS SERVICES LTD

The internal audit of Euxton Parish Council is carried out by undertaking the following tests as specified in the AGAR Annual Return for Local Councils in England:

- Checking that books of account have been properly kept throughout the year
- Checking a sample of payments to ensure that the Council's financial regulations have been met, payments are supported by invoices, expenditure is approved, and VAT is correctly accounted for
- Reviewing the Council's risk assessment and ensuring that adequate arrangements are in place to manage all identified risks
- Verifying that the annual precept request is the result of a proper budgetary process; that budget progress has been regularly monitored and that the council's reserves are appropriate
- Checking income records to ensure that the correct price has been charged, income has been received, recorded and promptly banked and VAT is correctly accounted for
- Reviewing petty cash records to ensure payments are supported by receipts, expenditure is approved and VAT is correctly accounted for
- Checking that salaries to employees have been paid in accordance with Council approvals and that PAYE and NI requirements have been properly applied
- Checking the accuracy of the asset and investments registers
- Testing the accuracy and timeliness of periodic and year-end bank account reconciliation(s)
- Review of year-end financial statements
- The authority has complied with the publication requirements for the prior year AGAR.
- The authority correctly provided for a period for the exercise of public rights for the prior year AGAR
- The authority published required information on a website up to date at the time of the internal audit in accordance with relevant legislation.

Conclusion

On the basis of the internal audit work carried out, which was limited to the tests indicated above, in our view the council's system of internal controls is in place, adequate for the purpose intended and effective, subject to the recommendations reported in the action plan overleaf. As part of the internal audit work for the next financial year we will follow up all recommendations included in the action plan.

J D H Business Services Ltd

ACTION PLAN

	ISSUE	RECOMMENDATION	FOLLOW UP
	2023/24 internal audit		
1	The following year end bank statements were not provided: <ul style="list-style-type: none"> - RBS current account - TSB account - Coop account 	<i>Year end bank statements should be secured for all bank accounts to evidence the year end bank reconciliation.</i>	

Annual Internal Audit Report 2023/24

Euxton Parish Council
www.euxtoncouncil.org.uk

During the financial year ended 31 March 2024, this authority's internal auditor acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with the relevant procedures and controls in operation and obtained appropriate evidence from the authority.

The internal audit for 2023/24 has been carried out in accordance with this authority's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of this authority.

Internal control objective	Yes	No*	Not covered**
A. Appropriate accounting records have been properly kept throughout the financial year.	✓		
B. This authority complied with its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.	✓		
C. This authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	✓		
D. The precept or rates requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	✓		
E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	✓		
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.	N/A	no petty cash held	
G. Salaries to employees and allowances to members were paid in accordance with this authority's approvals, and PAYE and NI requirements were properly applied.	✓		
H. Asset and investments registers were complete and accurate and properly maintained.	✓		
I. Periodic bank account reconciliations were properly carried out during the year.	✓		
J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded.	✓		
K. If the authority certified itself as exempt from a limited assurance review in 2022/23, it met the exemption criteria and correctly declared itself exempt. (If the authority had a limited assurance review of its 2022/23 AGAR tick "not covered")	N/A		
L. The authority published the required information on a website/webpage up to date at the time of the internal audit in accordance with the relevant legislation.	✓		
M. In the year covered by this AGAR, the authority correctly provided for a period for the exercise of public rights as required by the Accounts and Audit Regulations (during the 2023-24 AGAR period, were public rights in relation to the 2022-23 AGAR evidenced by a notice on the website and/or authority approved minutes confirming the dates set).	✓		
N. The authority has complied with the publication requirements for 2022/23 AGAR (see AGAR Page 1 Guidance Notes).	✓		
O. (For local councils only) Trust funds (including charitable) – The council met its responsibilities as a trustee.	Yes	No	Not applicable
			✓

For any other risk areas identified by this authority adequate controls existed (list any other risk areas on separate sheets if needed).

Date(s) internal audit undertaken: 25/04/2024
 Name of person who carried out the internal audit: JDH BUSINESS SERVICES LTD
 Signature of person who carried out the internal audit: [Signature] Date: 25/04/2024

*If the response is 'no' please state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).
 **Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned; or, if coverage is not required, the annual internal audit report must explain why not (add separate sheets if needed).

Section 1 – Annual Governance Statement 2023/24

We acknowledge as the members of:

EUXTON PARISH COUNCIL

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2024, that:

	Agreed		'Yes' means that this authority:
	Yes	No*	
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	✓		<i>prepared its accounting statements in accordance with the Accounts and Audit Regulations.</i>
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		<i>made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.</i>
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.	✓		<i>has only done what it has the legal power to do and has complied with Proper Practices in doing so.</i>
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✓		<i>during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.</i>
5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		<i>considered and documented the financial and other risks it faces and dealt with them properly.</i>
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	✓		<i>arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.</i>
7. We took appropriate action on all matters raised in reports from internal and external audit.	✓		<i>responded to matters brought to its attention by internal and external audit.</i>
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements.	✓		<i>disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.</i>
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes	No	<i>has met all of its responsibilities where, as a body corporate, it is a sole managing trustee of a local trust or trusts.</i>
			✓

***Please provide explanations to the external auditor on a separate sheet for each 'No' response and describe how the authority will address the weaknesses identified. These sheets must be published with the Annual Governance Statement.**

This Annual Governance Statement was approved at a meeting of the authority on:

DD/MM/YYYY

and recorded as minute reference:

MINUTE REFERENCE

Signed by the Chair and Clerk of the meeting where approval was given:

Chair

SIGNATURE REQUIRED

Clerk

SIGNATURE REQUIRED

ENTER PUBLIC WEBSITE ADDRESS www.euxtoncouncil.org.uk WEBSITE ADDRESS

Section 2 – Accounting Statements 2023/24 for

EUXTON PARISH COUNCIL

	Year ending		Notes and guidance
	31 March 2023 £	31 March 2024 £	
1. Balances brought forward	209184	307847	<i>Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.</i>
2. (+) Precept or Rates and Levies	174291	178200	<i>Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.</i>
3. (+) Total other receipts	94079	187814	<i>Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.</i>
4. (-) Staff costs	87076	100028	<i>Total expenditure or payments made to and on behalf of all employees. Include gross salaries and wages, employers NI contributions, employers pension contributions, gratuities and severance payments.</i>
5. (-) Loan interest/capital repayments	0	0	<i>Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).</i>
6. (-) All other payments	82631	283653	<i>Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).</i>
7. (=) Balances carried forward	307847	290180	<i>Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).</i>

8. Total value of cash and short term investments	296333	242332	<i>The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – To agree with bank reconciliation.</i>
9. Total fixed assets plus long term investments and assets	978624	1159066	<i>The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.</i>
10. Total borrowings			<i>The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).</i>

For Local Councils Only	Yes	No	N/A	
11a. Disclosure note re Trust funds (including charitable)		✓		<i>The Council, as a body corporate, acts as sole trustee and is responsible for managing Trust funds or assets.</i>
11b. Disclosure note re Trust funds (including charitable)			✓	<i>The figures in the accounting statements above exclude any Trust transactions.</i>

I certify that for the year ended 31 March 2024 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

Signed by Responsible Financial Officer before being presented to the authority for approval

SIGNATURE REQUIRED

Date

DD/MM/YYYY

I confirm that these Accounting Statements were approved by this authority on this date:

DD/MM/YYYY

as recorded in minute reference:

MINUTE REFERENCE

Signed by Chair of the meeting where the Accounting Statements were approved

SIGNATURE REQUIRED

The General Power of Competence (GPC) England

Qualifications - The General Power of Competence (GPC) England

An Introduction to Key Facts for Local Councils in England

Local councils in England were given a GPC in the Localism Act 2011, sections 1 to 8. This paper explains the freedom granted by the general power, the criteria to be met before a local council can use it and some restrictions on using the power.

The Freedom of GPC

Councils no longer need to ask whether they have a specific power to act. GPC (LA 2011 s1(1)) gives local authorities, including eligible local councils, “the power to do anything that individuals generally may do” as long as they don’t break other laws. It is a ‘power of first resort’; this means that when searching for a power to act, the first question you ask is whether you can use GPC. To find the answer, you ask whether an individual is normally permitted to act in the same way. For example:

- An individual can’t put someone in prison – and neither can a local council (although, like an individual, the council can press for a prosecution).
- An individual can’t impose taxes on other people – so a local council can’t use GPC to raise taxes.

on the other hand, an individual

- could run a community shop or post office (provided they abide by relevant rules) – so a local council can do likewise;
- can set up a company to provide a service. GPC clearly permits a local council to engage in commercial activity as long as it sets up a company or co-operative society (s4) for this purpose

Sometimes a council can do things that an individual can’t do – such as creating byelaws, raising a precept or issuing fixed penalty notices – but it must do so using the specific original legislation. GPC does not mean that the council can delegate decisions to individual councillors – this is a procedural matter that remains enshrined in law.

The Government hopes that GPC gives local councils confidence in their legal capacity to act for their communities. It encourages councils to use this power to work with others in providing cost-effective services and facilities in innovative ways to meet the needs of local people. The council can lend or invest money; it can trade; it can even sell energy to the National Grid. If another authority has a statutory duty, then it remains their duty to provide that service (eg education, waste collection, social services) but local councils can still help out. For example, a local council can support a school in many ways, just as an individual might. It could even help a community trust to run a local school.

The council can undertake activities using GPC anywhere – not just in the parish (s1(4a)). It isn’t necessary to worry whether the activity is for the benefit of the council, the area or the community (s1(4c)) although, in practice, parishioners might object if they can’t see the benefit! And unlike the Local Government Act 1972, s137, it doesn’t matter whether there are any other specific powers permitting the council to take action (s1(5)). So, for example, a council can use GPC to build a sports

facility even though there is another power enabling it to do the same thing (Local Government (Miscellaneous Provisions) Act 1976 s19).

As always, the council is expected to act in accordance with the general principle of 'reasonableness' established by the Wednesbury court case in 1948. The judgement made it clear that a council can exercise reasonable discretion when interpreting legislation provided that it justifies its decision in terms of relevant, rather than irrelevant, matters.

Criteria for Eligibility

The freedom of GPC is available to local councils that meet two criteria for eligibility (LA 2011 s8) set out in a statutory instrument known as the parish councils (General Power of Competence) (Prescribed Conditions) Order 2012 that came into force in April 2012.

A local council must decide, at a full meeting of the council, that it meets the criteria for eligibility at that particular point in time. A resolution to this effect must be written clearly in the minutes of that meeting. The council is then required to revisit that decision and make a new resolution at every 'relevant' annual meeting of the council to confirm that it still meets the criteria (if it does). This means that eligibility remains in place until the first annual meeting of the council after the ordinary election even if the condition of the eligibility criteria has changed.

The Two Criteria for Eligibility

1. Elected Councillors

At the precise moment that the council resolves that it meets the criteria, the number of councillors elected at the last ordinary election, or at a subsequent by-election, must equal or exceed two thirds of its total number of councillors.

Elected councillors include all councillors who stood for election (including at a bye-election) whether or not the election was contested. Co-opted or appointed councillors do not count as they are not elected.

Elected councillors include all councillors who stood for election whether or not the election was contested. Co-opted or appointed councillors do not count as they are not elected.

The total number of councillors means the number of seats on the council including those that might be vacant. If two thirds is not a whole number, then it must be rounded up to the next whole number. For example, if the number of councillors in total is 8 and two thirds is approximately 5.3, then the number of councillors that must be elected is 6.

2. A Qualified Clerk

The clerk must hold at least one of the sector-specific qualifications and should have completed the relevant training designed as part of the National Training Strategy for local councils. From April 2012, this training is undertaken as part of a clerk's preparation for one of the recognised sector-specific qualifications. Where a clerk studied for one of these qualifications before April 2012, they undertake the relevant training and must pass **Section 7 in Isolation Module** in order to be fully qualified for the purposes of the GPC (see CiLCA Section 7 & GPC section at top of this page).

The recognised sector-specific qualifications are:

1. The Certificate in Local Council Administration (CiLCA) awarded by Ascentis (or previously by Monitoring and Verification Board or the AQA). **If the CiLCA certificate was awarded pre 2012, you must also hold GPC Section 7 in Isolation Module certificate.**

2. Or one of the following higher education qualifications awarded by the University of Gloucestershire or its predecessor institutions, namely:

- The Certificate of Higher Education in Local Council Administration
- The first level of the Foundation Degree in Community Engagement
- The Certificate of Higher Education in Local Policy and Governance (the Level Four course)
- Any equivalent successor qualification

It is important that the council pays attention to the advice of its trained and qualified clerk when taking decisions to ensure that it acts lawfully.

Since GPC can be used for most of the activities of the council rather than for unusual one-off projects, the council cannot employ a clerk on a short-term contract specifically for using the power. 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 under GPC for which there is no other specific power, it remains eligible for the purpose of completing that activity, but it can't start anything new under the power until it is in a position to make the formal decision that it meets the criteria. The council must go back to identifying whether it has a specific power to act and use the restricted s137 if there is no appropriate specific power. When entering into a contract under GPC, a council should be cautious if the contract lasts beyond the next annual meeting when the council might no longer be eligible to use GPC. There is a risk of legal action if the council ends the contract unexpectedly. It is wise to seek legal advice when setting up the contract.

Risks and Restrictions Limiting GPC

There are some risks associated with using GPC. Inadequate community support or insufficient funding are significant risks while there are several statutory or legal restrictions that a local council should consider before using the power. Clerks and councillors should be aware of the following restrictions that potentially could limit the use of GPC.

- If a council is already subject to a statutory duty, then that duty remains in place. So, for example, a local council that is eligible to use the GPC must continue to abide by its duties. For example:
 - The council has a duty to act with regard to the likely effect on crime and disorder and to do all it can to prevent crime and disorder in its area (Crime and Disorder Act 2006 s17).
 - The Natural Environment and Communities Act 2006 s40 imposes a duty on local councils to consider conserving biodiversity in exercising its functions.

- The Smallholding and Allotments Act 1908 s23(1) gives councils a duty to provide allotments if they are of the opinion that there is a demand for them.
- There are also many procedural and financial duties that remain in place for regulating the governance of a local council.
- Furthermore, the council must comply with employment law, Health and Safety legislation, equality legislation and duties related to data protection and freedom of information for example.
- The council must set up a company or co-operative society if it wishes to trade. If the council sets up a company or co-operative society it must abide by company law. Councils are advised to refer to more detailed Government guidance on trading and on charging (see links below). The council can charge for services provided under GPC .
- Remember, if another authority has a statutory duty, then it remains their duty to provide that service (eg education). If you are worried that you might be encroaching on another authority's duty, then ask whether an individual, a private company or a community trust might be able to step in and help. If they can, then so can the local council (although it might need to set up an appropriate delivery body first).
- If the action the council wishes to take is also covered by a specific power then any restrictions that apply to the overlapping power are still in force. So if existing legislation requires the council to ask permission before acting, then it must do so. For example, the council asks permission from the Highways Authority before doing work on roadside verges.

GPC is a power and not a source of money. It cannot be used to raise the precept and if loans are needed then normal procedures apply. The council can seek other sources of finance such as the Community Infrastructure Levy, grant funding, sponsorship, commercial activity and agreements with other authorities. As always, the council should ensure support from local taxpayers.

So councils cannot use GPC primarily to raise money but they can receive income as a consequence of using the power for a different primary purpose. For example, a council could give financial assistance to a struggling local enterprise by purchasing share capital just as any individual could. Similarly the council could lend money to support a local activity and earn interest on the loan and it can raise sponsorship for a community project.

Although councils are encouraged to be innovative, they should be aware of the risks involved in using the power in addition to a lack of money or community support. For example:

- There is a risk of being challenged
- Trading activities could damage competing local activities

The council risks its reputation and public money if a project goes wrong.

Euxton Council specific information

1. Elected Councillors

Euxton has 18 seats – 2/3rds of 18 is 12

Euxton had 17 elected Councillors in May 2022. At this point in time there are 13 of those elected remaining on the Council.

2. Qualified Clerk

The Council Clerk gained the CiLCA qualification in February 2007 and the additional module (GPC Section 7) required if the CiLCA was gained before 2012 (when the qualification was updated) was gained in November 2022.

Recommendation

Council to discuss whether to agree that:

Euxton Parish Council meets the criteria to use the additional power of 'The General Power of Competence'.

The criteria being that two-thirds of the total number of Councillors must be elected and the Clerk is CiLCA qualified which means that the Parish Council meet the criteria.

Signs and advertisements

The control of adverts and signs is covered by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). Adverts and signs do not require planning permission but may require Advertisement Consent.

The term advertisement covers a very wide range of advertisements and signs including:

- posters and notices
- placards and boards
- fascia signs and projecting signs
- pole signs and canopy signs
- models and devices
- advance signs and directional signs
- estate agents' boards
- captive balloon advertising (not balloons in flight)
- flag advertisements
- price markers and price displays
- traffic signs
- town and village name-signs.

Apply for Advertisement Consent

You can apply for Advertisement Consent to display an advert or sign on the Planning Portal website. Select 'Consent to display an advertisement' from the drop down menu of application types.

When deciding applications for Advertising Consent, we can only have regard only to considerations of 'amenity' and 'public safety'.

The government has produced a useful booklet on how the system controlling adverts and signs works and when Advertising Consent is needed. View more information on [Advertisement Consent](https://www.gov.uk/government/publications/outdoor-advertisements-and-signs-a-guide-for-advertisers) on the GOV.UK website.

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