

**REDRUTH TOWN
COUNCIL**



**CONSEL AN DRE
RESRUDH**

Civic Centre, Alma Place, Redruth, Cornwall TR15 2AT
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Town Mayor: Cllr Ms D L Reeve

Town Clerk: P B Bennett

Our Reference:
RTC/400/1/Mtg
Date:
12th May 2021

See Distribution

Dear Councillor

Annual General Meeting of the Council – 17th May 2021

You are summoned to attend the Annual General Meeting of the Redruth Town Council, which will be held in the Langman Room, Redruth Civic Centre, Alma Place, on Monday 17th May 2021 commencing at 7:00 p.m.

The Agenda and associated papers are enclosed for your reference and information.

In order to comply with Covid-19 guidelines, and to restrict possible contact, Members are asked not to attend the Council building before 6:50 p.m. Entry to the building will be through the main access doors to the Library and we ask that you wear a face covering unless exempt and sanitise hands on entry. At the conclusion of the meeting members are asked to vacate the building promptly through the external door in the Langman Room to Alma Place.

Yours sincerely

A handwritten signature in black ink, appearing to be 'P B Bennett', written over a horizontal line.

Peter Bennett
Town Clerk

Distribution:

Action:

All Councillors

Information:

President, Chamber of Commerce
Inspector Curtis, Devon & Cornwall Police
Cornwall Councillors
Press & Public

Annual General Meeting of the Redruth Town Council
17th May 2021
AGENDA

PART I - PUBLIC SESSION

1. To receive nominations and to elect the Town Mayor of Redruth for the Council Year 2021-2022.
2. To receive the Town Mayor's Declaration of Acceptance of Office.
3. To receive apologies for absence.
4. Members to declare personal and prejudicial interests (including details thereof) in respect of any item(s) on this Agenda.
5. To receive an address from the outgoing Town Mayor.
6. To receive nominations and to elect the Deputy Town Mayor of Redruth for the Council Year 2021-2022.
7. To receive an address from the incoming Town Mayor, including appointment of Town Mayor's Consort.
8. To confirm that all Declarations of Acceptance of Office have been completed or to determine when those outstanding will be actioned.
9. Review of the terms of references for committees; and of delegation arrangements to employees. [See report attached]
10. To elect Members for the following committees and from those members elected to elect a Chairman, and Vice-Chairman, respectively [See report attached]:
 - a. Amenities Committee
 - b. General Purposes Committee
 - c. Planning Committee
 - d. Audit & Accounting Governance Committee
 - e. Staffing Committee
11. To appoint members to represent the Council on all outside organisations. [See report attached]
12. To receive reports from Members representing the Council on outside organisations.
[There may be no need to receive reports in respect of bodies where representatives report at the regular meetings of the Council. Members submitting reports are requested to let the Clerk have a copy for filing with the Minutes]
13. To review the Members' Register of Interests for all Members present.
14. To appoint six Members to act as signatories on Council cheques and other financial documents.
[Members currently authorised: Cllrs Barnes, Biscoe, and Mrs Biscoe]
15. Council and Committee meetings going forward under current guidelines.
16. To consider, approve, and adopt a Code of Conduct for Members and Co-opted Members of Local Councils. [See report attached]
17. To give approval to commence the co-option process for the vacancy in the Redruth (South) Ward following the local council elections.

Cont'd overleaf

18. To consider that until the next relevant Annual General Meeting of the Council, that the Town Council adopt the General Power of Competence as laid out in the Localism Act 2011, having met the conditions of eligibility as defined in The Parish Councils (general; Power of Competence) (Prescribed Conditions) Order 2012. [See report attached]

REPORT FOR: Annual General Meeting of the Council on 17th May 2021

1.0 SUBJECT OF REPORT: Review of the terms of references for committees; and of delegation arrangements to committees, and employees

2.0 SUMMARY OF IMPLICATIONS

- a. Policy - Yes
- b. Financial - No
- c. Legal - Yes

3.0 TERMS OF REFERENCE

3.1 At an Annual General Meeting of the Council it is necessary to review of the terms of references for the Council's Standing Committees, and of the delegation arrangements to those committees, and the Council employees (attached for information).

4.0 REPORT

4.1 The terms of references for committees, and the delegation arrangements to committees, and employees were last reviewed and approved by the Council at our AGM on 20th May 2019. I have also extended the Delegation of Powers/Authority to include the newly appointed appointments of the Engagement Officer and Operations & Facilities Officer who now both assume the role of appointed Deputies to the Town Clerk. I have again examined all other documents, made amendments where we have assumed responsibility for services/assets since the last review, and believe that they adequately meet the Council's current requirements.

5.0 RECOMMENDATION

5.1 It is requested that Members accept the recommendation that the terms of references for committees, and the delegation arrangements to committees and employees, as reviewed, adequately meet the Council's current requirements.

P B Bennett
Town Clerk

Encs.

REDRUTH TOWN COUNCIL
TERMS OF REFERENCE & DELEGATION OF POWERS
AMENITIES COMMITTEE

The Amenities Committee shall carry out the functions of the Council under delegated powers in connection with the following matters:

1. The Client role in respect of all matters relating to the following properties and services:

Council Building (Penryn Street)	All Public Footpaths*
Coach Lane Allotments	All Parks & Play areas*
St Rumon's Gardens	Town Clock
Bus Shelters	Public Realms and Street Furniture
Council Vehicles	Floral Displays
Strawberry Fields	Public Conveniences
Raymond Road Allotments	Gweal-an-Top site
Redruth Community Centre	Plain-an-Gwarry Play Area
East End Playing Field	Cornwall Centre (Building/retail units)
Redruth Library (Building)	

Note: * In consultation with Cornwall Council

2. The control, maintenance and security of the above areas where appropriate, and where necessary in consultation with joint bodies and other authorities.
3. An overview of the Associations managing and running the Allotment sites on behalf of the Town Council.
4. In relation to the Council Land and Buildings, the maintenance, security and letting and/or sub-letting of areas.
5. In relation to the above properties and premises, where there is joint or other authority involvement, the discussion and formulation of joint programmes and projects to improve and/or upgrade the facilities.
6. To be generally responsible for matters relating to Health, Safety, and Welfare of all employees of the Council, iaw the requirements of the Health & Safety at Work Act 1974 and associated legislation as amended from time to time, including statutory responsibilities under the above legislation in respect of persons not directly employed by the Council.
7. To act as the Council's consultative committee on Waste Management and Climate Change matters, and to recommend implementation of any such programmes or projects it believes to be beneficial to the electorate, to the Full Council.
8. That in connection with any function delegated to this Committee, the Committee have the power to authorise any proceedings in the Courts relating to such function or any ancillary matter arising from or connected with such function, and that the Town Clerk has authority to initiate proceedings on the Council's behalf.
9. The Committee has the delegated financial powers of expenditure as follows of the following budget/reserve headings:

Footpaths	Buildings Maintenance	Town Clock
Play area/fields	Buildings Capital Projects	Building Running Costs
Allotments	Building Development	St Rumon's Gardens
Vehicles	Floral Displays	Public Realms Maintenance
Grounds Equipment	Purchases & Works	Noticeboards & Signs

Compound Rent
Bus Shelters
Cornwall Centre

Sk8 Park
Public Conveniences
Redruth Library

Council utility and running costs
Weed Control

10. To fix annually in September, the Committees planned expenditure and estimates required for the following Financial Year(s) and to submit to the Audit & Accounting Governance Committee for consideration.

REDRUTH TOWN COUNCIL
TERMS OF REFERENCE & DELEGATION OF POWERS
AUDIT & ACCOUNTING GOVERNANCE COMMITTEE

The Audit & Accounting Governance Committee shall carry out the functions of the Council under delegated powers in connection with the following matters:

1. To monitor the Council's spending, balances and budgets throughout the financial year by regular checks and trusted information; and approve the accounting statements prepared in accordance with the requirements of the Accounts and Audit Regulations and proper practices.
2. Ensure that an adequate system of internal control is maintained; including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness through a comprehensive review of procedures and regular checks of our activities throughout the year.
3. To ensure 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 the Council to conduct its business or on its finances.
4. To carry out an assessment of the risks facing the Council and ensuring that appropriate steps to manage those risks are taken, including the introduction of internal controls and/or external insurance cover where required.
5. To appoint the Council's independent auditor; and to take appropriate action on all matters raised in reports from internal and external audit.
6. To set the Financial Regulations of the Council and to submit to Council for approval.
7. To review the Council's policies relating to Finance and ensure that they meet the Council's current requirements.
8. To carry out an annual review of employees' salaries.
9. Any other governance matter that may be introduced through legislation or good practice.

REDRUTH TOWN COUNCIL

TERMS OF REFERENCE & DELEGATION OF POWERS

GENERAL PURPOSES COMMITTEE

The General Purposes Committee shall carry out the functions of the Council under delegated powers in connection with the following matters:

1. The Client role in respect of all matters relating to the following services:

Council Policies	Council Law and Procedures
All Administration Matters	Regeneration
All Town Events/Festivals	Monitoring of Consultation Papers
CCTV	Communications
Members Allowances	Training/Conferences/Seminars
Tourism	Promotion of Council and Town/Parish
Elections	Local Council Award Scheme
Appeals, Donations & Xmas Goodwill	
2. The control, organisation and management of the above areas where appropriate, and where necessary in consultation with joint bodies and other authorities.
3. In relation to the above services, where there is joint or other authority involvement, the discussion and formulation of joint programmes and projects to improve and/or upgrade the facilities.
4. To control and supervise the financial resources, assets and liabilities of the Council, and any financial arrangements with any other authority or body;
5. To make any necessary decisions relating to Members' Allowances.
6. To deal with all applications to and by the Council for loans, grants, subscriptions and donations, except as may be delegated specifically to another committee. MOVE
7. To submit proposals and amendments in respect of the proceedings of the Council and its Committees and in regard to other matters, and in respect also of financial regulations.
8. To be responsible for the provisions and administration of the Council's administrative offices, except the initial provision of major or substantial premises for such purposes but to make recommendations to the Council in regard thereto.
9. To provide the necessary furniture, furnishings, equipment, and materials for the proper functioning of the Council's staff, and otherwise ensure the effective management of the Council's administrative resources.
10. To review, after any consultations, the performance and work of the Council in general order to:
 - a. Recommend any programmes or projects or their revision.
 - b. Co-ordinate the activities of the Council
 - c. Advise on future policies of the Council and its Committees.
11. To maintain a continuous general oversight of the organisation and administrative efficiency of the Council.
12. To act as the Council's consultative committee on Regeneration programmes and/or projects; and Health Matters; and to recommend implementation of any such programmes or projects it believes to be beneficial to the electorate, to the Full Council.
13. That in connection with any function delegated to this Committee, the Committee have the power to authorise any proceedings in the Courts relating to such function or any ancillary matter arising from or connected with such function, and that the Town Clerk has authority to initiate proceedings on the Council's behalf.

15. The Committee has the delegated financial powers of expenditure of the following budget/reserve headings:

General Administration	Town Festivals	IT Support
Regeneration	Elections	Donations/Xmas Goodwill
Xmas Lights	Office Equipment	Civic Receptions
Training	Communications	Fun Day
Tourism	Town/Council promotions	Council Websites
Youth Council	HR Outsourcing	

16. To fix annually in October, the Committees planned expenditure and estimates required for the following Financial Year and to submit to the Audit & Accounting Governance Committee for consideration.

REDRUTH TOWN COUNCIL
TERMS OF REFERENCE & DELEGATION OF POWERS
PLANNING COMMITTEE

The Planning Committee shall carry out the functions of the Council under delegated powers in connection with the following matters:

1. Consideration of, and recommendations, with or without comment, on all Planning Applications, Certificate of Lawfulness, Conservation Area Consent, Building and Tree Preservation Notices and Orders, which may be passed to the Council by the Local Planning Authority or any other authority as deemed appropriate.
2. Attending Site Inspection Panel Meetings as may from time to time be called by the Local Planning Authority, in respect of an application made within, or adjoining, the parish boundary.
3. Attending or making comment, either written or verbal, on behalf of the Council at any Planning Appeal or Public Inquiry.
4. Consideration of and comments on consultation documents relating to the Local Development Plan, Area Action Plan, and any such other plans that may at time to time be issued or amended.
5. To consider the acquisition of any land that may become available for purchase that may ultimately benefit the community.
6. To consider all Highways matters, including improvements, road closures, and any complaints made to the Council in respect of local problems.
7. To act as the Council's consultative committee on Transport and Housing; and to recommend implementation of any such programmes or projects it believes to be beneficial to the electorate, to the Full Council.
8. The Committee may authorise the purchase of any such document, which may, in their opinion, increase the efficiency of staff knowledge, thereby speeding up the consultation process.
9. To have the overview/steering of the Neighbourhood Development Plan for the parish of Redruth.
10. The Committee has the delegated financial powers of expenditure of the following budget/reserve headings:
Planning; and Training
Neighbourhood Development Plan

REDRUTH TOWN COUNCIL

TERMS OF REFERENCE & DELEGATION OF POWERS

STAFFING COMMITTEE

The Staffing Committee is to deal with conditions of service, and appointments of all employees of the Council and to settle the establishment of the staff. To deal with all matters relating to the recruitment, training, appeals, pensions, superannuation, and welfare of all employees of the Council. To maintain a continuous general oversight of the organisation and administrative efficiency of the Council's employees, and shall carry out the functions of the Council under delegated powers in connection with the following matters:

1. Recruitment

- To consider and keep under review staffing requirements of the Council, including the appointment of new staff.
- To advertise positions, select candidates for shortlisting and interviews and appointment
- The Committee may delegate this process to the Town Clerk or an Officer of the Council.
- To advertise, select candidates for shortlisting and interview for post of Town Clerk and make recommendation to Full Council for appointment.
- To arrange for the execution of new employment contracts or changes to employment contracts.

2. Pay and employment contracts

- To consider and keep under review the terms of employment, salaries, hourly wages, increments, bonuses and pensions of employees and where required to implement amendments to these.

3. Policies

- To monitor and maintain all policies contained in the Staff Handbook and any that fall within the remit of the Staffing Committee.

4. Training

- To keep under review training undertaken by employees and members and to implement training required.
- To establish and keep under review future training requirements for employees.
- To implement training approved by the Staffing Committee.

5. Performance, conduct, capability and redundancy

- To conduct any process relating to the performance, conduct, capability or redundancy of an employee in accordance with the Council's adopted policy.

6. Health and safety

- To monitor and review employees' working conditions, practices and procedures to ensure they comply with the law and to present recommendations to the Council.
- To monitor, maintain records of and report to the Council the following regarding employees:
 - sickness
 - absence
 - injury.

7. The Committee has the delegated financial powers of expenditure of the following budget/reserve headings:
Staff Costs/Pensions Training

8. To fix annually in October, the Committees planned expenditure and estimates required for the following Financial Year and to submit to the Audit & Accounting Governance Committee for consideration.

REDRUTH TOWN COUNCIL

DETAILS OF DELEGATION GIVEN TO OFFICERS

Town Clerk/Proper Officer/Responsible Finance Officer

There shall be delegated to the Town Clerk/Proper Officer/Responsible Finance Officer the following powers as set out:

1. To appear on behalf of the Council at any industrial tribunal or appeal concerning employees or former employees of the Authority, with exception of himself, such officers also having delegated power to arrange representation for the Council.
2. The powers to approve compassionate leave for any employee of the Town Council.
3. The powers to incur budgeted expenditure to provide the necessary furniture, furnishings, equipment, machines and materials for the proper functioning of the Council and otherwise to ensure the effective management of staff and the Council's administrative resources, up to a limit of £10000 in any one transaction.
4. The powers to incur budgeted expenditure in ensuring that the Council's property, possessions, employees, the public and other statutory requirements, are covered by the required insurance cover.
5. Payments of accounts, salaries, wages and all other payments due from the Council.
6. In consultation with the Chairman of the Town Council Amenities Committee, and in accordance with Council Policy the making of arrangements for the external and internal repair and maintenance of relevant Council owned property, up to a limit of £10000 in any one transaction, and within budgeted requirements.
7. In conjunction with the Chairman of the Town Council Amenities Committee, to design, implement and supervise all relevant maintenance works and capital projects, within budgeted requirements.
8. The powers to authorise emergency action or works where circumstances arise on Council premises which pose a threat to the health or safety of employees, Members, or persons not directly employed by the Council, and will be the officer with prime responsibility for fulfilling the Council's policies contained within the adopted Statement of Policy made pursuant to Section 2(3) of the Health and Safety at Work Act 1974.
9. In consultation with the Chairman of the Town Council Staffing Committee the power to terminate the employment of employees, with the exception of himself, on grounds of prolonged and serious ill health following receipt of appropriate medical certificate in accordance with Council Policy, and statutory legislation.
10. In consultation with the Chairman of the Town Council Staffing Committee the power to terminate the employment of employees, with the exception of himself, on grounds of capability following a period of prolonged sick absence from work where there are no grounds to consider medical retirement in accordance with Council Policy and statutory legislation.
11. After the appointment of employees by the Council/Staffing Committee, the power to enter into and sign on behalf of the Council all Statements of Employment Particulars and offers of employment in accordance with Council Policy, with the exception of his own particulars.
12. The power to sign on behalf of the Council such documentation as may be required in pursuant of powers delegated to the Town Clerk/Proper Officer/Responsible Finance Officer.

Engagement Officer

In the absence of the Town Clerk, there shall be delegated to the Engagement Officer the following powers as set out:

1. To appear on behalf of the Council at any industrial tribunal or appeal concerning employees or former employees of the Authority, with exception of himself, such officers also having delegated power to arrange representation for the Council.
2. The powers to approve compassionate leave for any employee of the Town Council.
3. The powers to incur budgeted expenditure to provide the necessary furniture, furnishings, equipment, machines, and materials for the proper functioning of the Council and otherwise to ensure the effective management of staff and the Council's administrative resources, up to a limit of £5000 in any one transaction.
4. The powers to incur budgeted expenditure in ensuring that the Council's property, possessions, employees, the public and other statutory requirements, are covered by the required insurance cover.
5. In consultation with the Chairman of the Town Council Amenities Committee, and in accordance with Council Policy the making of arrangements for the external and internal repair and maintenance of relevant Council owned property, up to a limit of £5000 in any one transaction, and within budgeted requirements.
6. In conjunction with the Chairman of the Town Council Amenities Committee, to design, implement and supervise all relevant maintenance works and capital projects, within budgeted requirements.
7. The powers to authorise emergency action or works where circumstances arise on Council premises which pose a threat to the health or safety of employees, Members, or persons not directly employed by the Council, and will be the officer with prime responsibility for fulfilling the Council's policies contained within the adopted Statement of Policy made pursuant to Section 2(3) of the Health and Safety at Work Act 1974.
8. After the appointment of employees by the Council/Staffing Committee, the power to enter into and sign on behalf of the Council all Statements of Employment Particulars and offers of employment in accordance with Council Policy, with the exception of his own particulars.
9. The power to sign on behalf of the Council such documentation as may be required in pursuant of powers delegated to the Town Clerk/Proper Officer/Responsible Finance Officer.

Operations & Facilities Officer

In the absence of the Town Clerk, there shall be delegated to the Operations & Facilities Officer the following powers as set out:

1. To appear on behalf of the Council at any industrial tribunal or appeal concerning employees or former employees of the Authority, with exception of himself, such officers also having delegated power to arrange representation for the Council.
2. The powers to approve compassionate leave for any employee of the Town Council.
3. The powers to incur budgeted expenditure to provide the necessary furniture, furnishings, equipment, machines and materials for the proper functioning of the Council and otherwise to ensure the effective management of staff and the Council's administrative resources, up to a limit of £5000 in any one transaction.
4. The powers to incur budgeted expenditure in ensuring that the Council's property, possessions, employees, the public and other statutory requirements, are covered by the required insurance cover.
5. Payments of accounts, salaries, wages and all other payments due from the Council.
6. In consultation with the Chairman of the Town Council Amenities Committee, and in accordance with Council Policy the making of arrangements for the external and internal repair and maintenance of relevant Council owned property, up to a limit of £5000 in any one transaction, and within budgeted requirements.
7. In conjunction with the Chairman of the Town Council Amenities Committee, to design, implement and supervise all relevant maintenance works and capital projects, within budgeted requirements.
8. The powers to authorise emergency action or works where circumstances arise on Council premises which pose a threat to the health or safety of employees, Members, or persons not directly employed by the Council, and will be the officer with prime responsibility for fulfilling the Council's policies contained within the adopted Statement of Policy made pursuant to Section 2(3) of the Health and Safety at Work Act 1974.
9. After the appointment of employees by the Council/Staffing Committee, the power to enter into and sign on behalf of the Council, and in the absence of the Town Clerk, all Statements of Employment Particulars and offers of employment in accordance with Council Policy, with the exception of his own particulars.
10. The power to sign on behalf of the Council such documentation as may be required in pursuant of powers delegated to the Town Clerk/Proper Officer/Responsible Finance Officer.

REDRUTH TOWN COUNCIL

REPORT FOR: Annual General Meeting of the Council on 17th May 2021

1.0 **SUBJECT OF REPORT: To elect Members for the following committees and from those members elected, to elect a Chairman, and Vice-Chairman**

2.0 **SUMMARY OF IMPLICATIONS**

- a. Policy - Yes
- b. Financial - No
- c. Legal - Yes

3.0 **TERMS OF REFERENCE**

3.1 At an Annual General Meeting of the Council it is necessary to elect Members for the Council's Standing Committees for the forthcoming municipal year, and from those members elected, to elect a Chairman, and Vice-Chairman.

4.0 **REPORT**

4.1 The current list of standing committees are as follows:

<u>Amenities</u>	<u>General Purposes</u>	<u>Planning</u>	<u>Audit & Accounting Governance</u>	<u>Staffing</u>
Town Mayor	Town Mayor	Town Mayor	Town Mayor	Town Mayor
Deputy Town Mayor	Deputy Town Mayor	Deputy Town Mayor	Deputy Town Mayor	Deputy Town Mayor
			Chair Amenities	Chair Amenities
			Chair GP	Chair GP
			Chair Planning	Chair Planning

Note: Town Mayor and Deputy Town Mayor have ex-officio appointments on all committees; Chairs of the Amenities, General Purposes, and Planning Committees are ex-officio appointments to the Audit & Accounting Governance Committee and Staffing Committee; all ex-officio appointments have full voting rights.

5.0 **RECOMMENDATION**

- 5.1 It is recommended that Members consider their nomination for membership of the committee's they wish to be involved with; for Council to approve the make-up of each committee; and for each committee to determine the Chair and vice-Chair.

P B Bennett
Town Clerk

REDRUTH TOWN COUNCIL

REPORT FOR: Annual General Meeting of the Council on 17th May 2021

1.0 **SUBJECT OF REPORT: To appoint members to represent the Council on outside organisations**

2.0 **SUMMARY OF IMPLICATIONS**

- a. Policy - Yes
- b. Financial - No
- c. Legal - No

3.0 **REPORT**

- 3.1 At the Annual General Meeting of the Council it is necessary, where applicable to appoint Members to represent the Town Council on outside bodies. At present the appointments are as follows with the current representatives identified:

CALC	(1 + Town Clerk; and Deputy)
LLCC	(1 + Town Clerk; and Deputy)
Redruth Chamber of Commerce	(Normally 2)
Redruth Community Centre Association	(2)
Redruth & District Twinning Association (France)	(1 + Deputy)
W Cornwall CCTV Working Group	(1+ Deputy)
Mineral Trails Working Group	(1)
Mineral Point Twinning Association	(1)
Redruth North Partnership	Cllr Barnes; Cllr Garrick
Redruth 2000 (Murdoch House)	(1)
Community Network Area	(1 + Deputy)
Kresen Kernow	(3 + Town Clerk/Engagement Officer)
Police Liaison Group	(1 + Deputy)
Friends of Victoria Park	(1)
Redruth-Real del Monte Twinning Association	(1)
Mineral Tramways Partnership	(1)
Friends of Gweal-an-Top	(2)

Redruth HSHAZ – 2 (TM = 1)	(Town Mayor + 1)
Place Shaping Board – 1	(1 + Deputy)
Safer Towns	(1 + Deputy; Town Clerk/Engagement Officer)
CPIR Climate Group	(1 + Deputy)
Furry Café CIC	(1 - appointment for duration of Council)

(Note: Numbers show Members normally appointed)

3.2 Members are requested to consider the appointments as above and advise whether they wish to continue or otherwise. If there are more candidates than positions we should look at appointing substitutes.

4.0 **RECOMMENDATION**

4.1 It is necessary to appoint Members to represent the Council on these outside organisations if at all possible.

P B Bennett
Town Clerk

REDRUTH TOWN COUNCIL

REPORT FOR: Annual General Meeting of 17th May 2021

1.0 **SUBJECT OF REPORT: To consider, approve, and adopt a Code of Conduct for Members and Co-opted Members of Local Councils**

2.0 **SUMMARY OF IMPLICATIONS**

- | | | | |
|----|-----------|---|-----|
| a. | Policy | - | Yes |
| b. | Financial | - | No |
| c. | Legal | - | Yes |

3.0 **TERMS OF REFERENCE**

- 3.1 The House of Lords Committee in Standards of Public Life made a number of significant recommendations as part of its review into the Code of Conduct; after detailed work the Cornwall Code has been updated to reflect these recommendations and Cornwall Council has now published a new Code of Conduct 2021 for councils in Cornwall.

4.0 **REPORT**

- 4.1 Members will be aware that The Localism Act 2011 requires the all Councils to adopt a Code of Conduct for Members that is consistent across all levels of local government, and Redruth Town Council last adopted our Code back in October 2012.
- 4.2 The House of Lords Committee in Standards of Public Life were tasked with carrying out a review of Members Code of Conduct and following a lengthy consultation period, made a number of significant recommendations as part of its review. After detailed work the Cornwall Code has been updated to reflect these recommendations, (see proposed updated Code of Conduct attached) and Cornwall Council has now published a new Code of Conduct 2021 for councils in Cornwall.
- 4.3 This newly published code has already been adopted by Cornwall Council and the Cornwall Association of Local Councils strongly supports this single code for all elected and co-opted members in Cornwall, and is pleased to recommend the 2021 edition.

5.0 **CONCLUSION**

- 5.1 The Code of Conduct for Members is a requirement of the Localism Act 2011. The Code has undergone a significant review with numerous recommendations made. A new updated Code for Cornwall has been published and as the Council's Proper Officer strongly recommended that Redruth Town Council adopt this Code of Conduct which will become effective immediately.

6.0 **RECOMMENDATIONS**

- 6.1 It is recommended that Members consider this report and the Attached proposed updated Code of Conduct and that the Code be adopted by the Town Council with immediate effect.

P B Bennett
Town Clerk & Proper Officer

Encs.

Annex E to
Redruth Town Council
Standing Orders



REDRUTH TOWN COUNCIL CODE OF CONDUCT

(Based on the Cornwall Code of Conduct for all Members of Local Councils in the County, and adopted by Redruth Town Council at its Annual General Meeting on 17th May 2021)

Redruth Town Council

Code of Conduct for Members and Co-opted Members of Local Councils

General principles of public life

The Localism Act 2011 requires the Council to adopt a Code of Conduct for Members that is consistent with the following principles:

Selflessness – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity – Members should not place themselves in situations where their honesty and integrity may be questioned. The public nature of a Member's role means the distinction between acting in your official capacity and your private life may become blurred and a Member's honesty and integrity may therefore be questioned.

As a result, a Member must ensure that, as far as possible, there is clear separation between what they do in their private life and in their capacity as a Member. This is especially the case when a Member's activity in their private life relates to the functions of the Council and/or their corporate responsibilities as a Member such that a reasonable member of the public may perceive that the conduct comes within the scope of this Code of Conduct.

Objectivity – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – Members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

Leadership – Members should promote and support these principles by leadership and, by example, and should act in a way that secures or preserves public confidence.

Redruth Town Council also expects its Members to observe the following principles:

Duty to uphold the law – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Personal judgement – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Stewardship – Members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Whilst these overriding principles are not formally part of the Code of Conduct, they underpin the purpose and provisions of the Code of Conduct and are principles in accordance with which Members should conduct themselves.

Introduction and Interpretation

1. This Code of Conduct has been adopted by Redruth Town Council to support its duty to promote and maintain high standards of conduct by Members of the Council as required by the Localism Act 2011. The Standards Committee of Cornwall Council assumes ownership of the Code on behalf of all local councils in the County, and also monitors the operation of the Code in conjunction with the Monitoring Officer.

2. In this Code:

“disclosable pecuniary interest” means an interest described in Part 5A of this Code and which is an interest of a Member or an interest of (i) that Member’s spouse or civil partner; (ii) a person with whom that Member is living as husband or wife; or (iii) a person with whom that Member is living as if they were civil partners, and that Member is aware that that other person has the interest as found on page 11 of this Code

“dispensation” means a dispensation granted by the Standards Committee of the Council or other appropriate person or body which relieves a Member from one or more of the restrictions set out in sub-paragraphs 3(5)(i), 3(5)(ii) and 3(5)(iii) of Part 3 of this Code to the extent specified in the dispensation

“interest” means any disclosable pecuniary interest or any disclosable non-registerable interest where the context permits

“meeting” means any meeting of the Council, the Cabinet and any of the Council’s or the Cabinet’s committees, sub-committees, joint committees, joint sub-committees, area committees or working groups

“Member” includes an Elected Member and a Co-opted Member

“non-registerable interest” means an interest as defined in Part 5B of this Code as found on page 13 of this Code

“register” means the register of disclosable pecuniary interests maintained by the Monitoring Officer of the Council

“sensitive interest” means an interest that a Member has (whether or not a disclosable pecuniary interest) in relation to which the Member and the Monitoring Officer consider that disclosure of the details of that interest could lead to the Member, or a person connected with the Member, being subject to violence or intimidation

“trade union” means a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992

3. This Code is arranged as follows:

Part 1	Application of the Code of Conduct
Part 2	General obligations
Part 3	Registering and declaring interests
Part 4	Sensitive interests
Part 5A	Pecuniary interests
Part 5B	Non-registerable interests.

Part 1 – Application of the Code of Conduct

1.1 This Code applies to you as a Member of the Council.

1.2 This Code should be read together with the preceding general principles of public life.

- 1.3. It is your responsibility to comply with the provisions of this Code.
- 1.4 Subject to paragraphs 1.5 and 1.6 of this Code, you must comply with this Code whenever you:
- (a) conduct the business of the Council, which in this Code includes the business of the office to which you have been elected or appointed; or
 - (b) act, hold yourself out as acting or conduct yourself in such a way that a third party could reasonably conclude that you are acting as a representative of the Council or use knowledge you could only have obtained in your role as a representative of the Council
- and references to your official capacity are construed accordingly.
- 1.5 Where you act as a representative of the Council:
- (a) on another authority which has a Code of Conduct, you must, when acting for that other authority, comply with that other authority's Code of Conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any lawful obligations to which that other body may be subject.
- 1.6 Where you are also a member of an authority other than the Council you must make sure that you comply with the relevant Code of Conduct depending on which role you are acting in. Your conduct may be subject to more than one Code of Conduct depending on the circumstances. Advice can be sought from the Monitoring Officer or one of his team.

Part 2 – General obligations

- 2.1 You must treat others with respect.
- 2.2 You must not treat others in a way that amounts to or which may reasonably be construed as unlawfully discriminating against them.
- 2.3 You must not bully or harass any person.
- 2.4 You must not intimidate or attempt to intimidate others.
- 2.5 You must not conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members.
- 2.6 You must not accept any gifts or hospitality that could be seen by the public as likely to influence your judgement and you are responsible for declaring all gifts and hospitality received over the value of £50 from a single source in one year, either in the form of a single gift or as a cumulative total. You also must register any gifts or gifts or hospitality over £50 within 28 days of receiving either the gift or hospitality.
- 2.7 You must not do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of the Council.
- 2.8 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
- (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees in writing not to disclose the information to any other person before the information is provided to them; or

- (iv) the disclosure is –
 - (a) reasonable and in the public interest; and
 - (b) made in good faith; and
 - (c) in compliance with the reasonable requirements of the authority, which requirements must be demonstrable by reference to an adopted policy, procedure or similar document of the Council or evidenced by advice provided by the Monitoring Officer or his nominee.
- 2.9 You must not prevent or attempt to prevent another person from gaining access to information to which that person is entitled by law.
- 2.10 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
- 2.11 You must not use or attempt to use your position as a Member of the Council improperly to confer on or to secure for yourself or any other person an advantage or disadvantage.
- 2.12 You must when using or authorising the use by others of the resources of the Council:
 - (i) have the prior formal permission of the Council;
 - (ii) act in accordance with the reasonable requirements of the Council;
 - (iii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (iv) have regard to any statutory or other requirements relating to local authority publicity.
- 2.13 You must not authorise the use of the Council's resources by yourself or any other person other than by your participation in a formal decision made at a meeting and in accordance with the Council's standing orders or other procedural rules.
- 2.14 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.
- 2.15 When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's Proper Officer, RFO or Monitoring Officer.
- 2.16 You must comply with the requirements of the Monitoring Officer in assisting with any assessment or investigation relating to an alleged breach of the Code of Conduct and comply with any sanction that is imposed upon you for breaching the Code of Conduct.
- 2.17 You must complete Code of Conduct training within 6 months of taking office and then must attend refresher training every 2 years if practicable or as required by the Monitoring Officer. This training can be held virtually.

Part 3 – Registering and declaring interests and withdrawal from meetings

- 3.1 The provisions of this Part of this Code are subject to the provisions of Part 4 of this Code relating to sensitive interests.
- 3.2 Within 28 days of becoming a Member you must notify the Council's Monitoring Officer of any disclosable pecuniary interest that you have and your membership of any trade union(s) at the time of giving the notification.
- 3.3 Where you become a Member as a result of re-election or your co-option being renewed you need only comply with paragraph 3.2 of this Code to the extent that your disclosable pecuniary interests and your trade union membership(s) are not already entered on the register at the time the notification is given.
- 3.4 You are not required to notify non-registerable interests to the Monitoring Officer for inclusion

in the register.

- 3.5 If you are present at a meeting and you are aware that you have a non-registerable interest, a disclosable pecuniary interest or an interest by virtue of any trade union membership in any matter being considered or to be considered at the meeting you must disclose that interest to the meeting if that interest is not already entered in the register and, unless you have the benefit of a current and relevant dispensation in relation to that matter, you must:
- (i) not participate, or participate further, in any discussions of the matter at the meeting;
 - (ii) not participate in any vote, or further vote, taken on the matter at the meeting; and
 - (iii) remove yourself from the meeting while any discussion or vote takes place on the matter, to the extent that you are required to absent yourself in accordance with the Council's standing orders or other relevant procedural rules.
- 3.5A Where a Member has a non-registerable interest in a matter to which paragraph 3.5 relates that does not benefit from a valid dispensation and that interest arises only from the Member's participation in or membership of a body whose objects or purposes are charitable, philanthropic or otherwise for the benefit of the community or a section of the community the Member may with the permission of the Chairman of the meeting or until such time as the Chairman directs the Member to stop, address the meeting to provide such information as they reasonably consider might inform the debate and decision to be made before complying with paragraphs 3.5(i), (ii) and (iii).
- 3.6 If a disclosable pecuniary interest or any membership of a trade union to which paragraph 3.5 relates is not entered in the register and has not already been notified to the Monitoring Officer at the time of the disclosure you must notify the Monitoring Officer of that interest within 28 days of the disclosure being made at the meeting.
- 3.7 Where you are able to discharge a function of the Council acting alone and you are aware that you have a non-registerable interest, a disclosable pecuniary interest or an interest by virtue of any trade union membership(s) in a matter being dealt with, or to be dealt with, by you in the course of discharging that function you must :
- (i) not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by you); and
 - (ii) if the interest is a disclosable pecuniary interest or membership of a trade union, notify the Monitoring Officer of that interest within 28 days of becoming aware of the interest if the interest is not entered in the register and has not already been notified to the Monitoring Officer.
- 3.8 Within 28 days of becoming aware of any new disclosable pecuniary interest or trade union membership, or change to any disclosable pecuniary interest or trade union membership already registered or notified to the Monitoring Officer, you must notify that new interest or the change in the interest to the Monitoring Officer.
- 3.9 All notifications of disclosable pecuniary interests and trade union membership to the Monitoring Officer, excepting those made verbally at meetings, must be made in writing.
- 3.10 You must notify the proper officer of your Council in writing of the detail of all disclosable pecuniary interests that are notified or confirmed to the Monitoring Officer.

Part 4 – Sensitive interests

- 4.1 Members must notify the Monitoring Officer of the details of sensitive interests but the details of such interests shall not be included in any published version of the register.
- 4.2 The requirement in paragraph 3(5) of Part 3 of this Code to disclose interests to meetings

		to your knowledge, has a place of business or land in the area of the relevant authority and either the total nominal value of the securities exceeds £25,000 or one hundredth of the total of the issued share capital of that body, or if the share capital of that body is of more than one class the total nominal value of the shares in any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class
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Part 5B – Non-registerable interests

You have a non-registerable interest where a decision in relation to a matter being determined or to be determined:

- (i) might reasonably be regarded as affecting the financial position or wellbeing of you; a member of your family or any person with whom you have a close association; or anybody or group which you are a member of more than it might affect the majority of council tax payers, rate payers or inhabitants in your electoral division or area; and
- (ii) the interest is such that a reasonable person with knowledge of all the relevant facts would consider your interest so significant that it is likely to prejudice your judgement of the public interest;

save that business relating to the following functions will not give rise to non-registerable interests:

- (iii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iv) statutory sick pay under, where you are in receipt of, or are entitled to the receipt of, such pay;
- (v) an allowance, payment or indemnity given to Members;
- (vi) any ceremonial honour given to Members; and
- (vii) setting of the council tax

and for the avoidance of doubt the above exceptions to the definition of non-registerable interests do not negate the requirements arising from having a disclosable pecuniary interest.

REPORT FOR: Annual General Meeting of 17th May 2021

1.0 SUBJECT OF REPORT: To consider the further adoption of the General Power of Competence

2.0 SUMMARY OF IMPLICATIONS

- | | | | |
|----|-----------|---|-----|
| a. | Policy | - | Yes |
| b. | Financial | - | No |
| c. | Legal | - | Yes |

3.0 TERMS OF REFERENCE

3.1 Local Councils in England were given a General Power of Competence (GPC) in the Localism Act 2011, Sections 1-8. This means that Councils, once adopting the power, no longer need to ask whether they have a specific power to act. The General Power of Competence Localism Act 2011 s1(1) gives Local Authorities including local councils "the power to do anything that individuals generally may do as long as they do not break any other laws". Once adopted it becomes a power of first resort. This means that when searching for a power to act, the first question to ask is whether you can use the General Power of Competence. To find the answer, you ask whether an individual is normally permitted to act in the same way.

3.2 Members from the previous council will recall that we adopted this power at a Council meeting on 28th January 2018. It is a requirement of the Act that we re-adopt the power at the council meeting immediately follow any local council election, providing that we still meet the criteria laid down. For the benefit of new members and as a refresher to those re-elected, I have outlined below details of the uses and restrictions of the General Power of Competence.

4.0 REPORT

4.1 The freedom of the GPC

4.2 Councils no longer need to ask whether they have a specific power to act. The 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 the 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 impose taxes on other people - so a local council cannot use the 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. The 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.

4.3 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. The GPC does not mean that the council can delegate decisions to individual councillors – this is a procedural matter that remains enshrined in law.

- 4.4 The Government hopes that the 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.
- 4.5 The council can undertake activities using the GPC anywhere - not just in the parish (s1(4a)). It is not 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 cannot see the benefit! 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 the 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).
- 4.6 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 judgment 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

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

Elected councillors

- 4.9 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.
- 4.10 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 qualified clerk

- 4.11 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 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 the short section 7 of CiLCA 2012 in order to be fully qualified for the purposes of the GPC.
- 4.12 It is important that the council pays attention to the advice of the trained and qualified clerk when taking decisions to ensure that it acts lawfully.
- 4.13 Since the 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 (that is the one, after the next ordinary election). If it has already sorted an activity under the GPC for which there is no other specific power, it remains eligible for the purpose of completing **that** activity, but it cannot 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 the GPC, a council should be cautious if the contact lasts beyond the next annual meeting when the council might no longer be eligible to use the 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 the GPC

4.14 There are some risks associated with using the 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 the 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.
- r 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 the GPC.
- If the council wants to invest in a local business to support the local economy, it should follow Government advice on investment (see links below). If it wishes to support a community enterprise, an economic development grant might be a sensible option.
- 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 than 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,



The National Training Strategy
for Town & Parish Councils

 **CiLCA**

Certificate in Local Council Administration

This is to certify that

Peter B. Bennett

has been awarded a

Pass

in the above qualification

Date 14th August 2006

Crispin Moor
(Commission for Rural Communities)
CHAIR, MONITORING AND VERIFICATION BOARD

Frank Johnston
LL.B. (Hons), Barrister-at-Law
CHIEF VERIFIER, CiLCA

The qualification is assured by the
University of Gloucestershire



**UNIVERSITY OF
GLOUCESTERSHIRE**
at CHELTENHAM and GLOUCESTER



The National Training Strategy
for Town & Parish Councils

 **CiLCA**

Certificate in Local Council Administration

Section 7, General Power of Competence, CiLCA 2013

This is to certify that:

Peter Bennett

*a holder of either the AQA CiLCA, CiLCA, University of Gloucestershire Certificate in Local Policy or Local Council Administration, has been awarded a **pass** in Section 7, General Power of Competence, CiLCA 2013.*

Having been awarded one of the aforementioned qualifications, this certificate now fulfils the eligibility criteria for a qualified clerk as prescribed in the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012.

Date: 5 July 2017

Kathryn Richmond
CHIEF VERIFIER
CERTIFICATE IN LOCAL COUNCIL ADMINISTRATION