

GENERAL POWER OF COMPETENCE

Section 1 of the Localism Act 2011 provides for a new General Power of Competence (GPC) for councils in England. The General Power is available to parish and town councils which meet conditions of eligibility for the exercise of the power as set out in the Parish Councils (General Power of Competence)(Prescribed Conditions) Order 2012 (SI 2012/965).

The eligibility criteria are:

- At the time of the resolution is passed, the number of members of the council that have been declared to be elected, whether at ordinary elections or by by-election, is equal to or greater than two-thirds of the total number of members of the council.
- The clerk to the parish council holds:
 - (i) the Certificate in Local Council Administration;
 - (ii) the Certificate in Higher Education in Local Policy;
 - (iii) the Certificate of Higher Education in Local Council administration
 - (iv) the first level of the foundation degree in Community Engagement and Governance awarded by the University of Gloucestershire or its successor qualification.

As at 13th May 2019, Bramshott and Liphook Parish Council meet the eligibility criteria.

If the council agrees the resolution on the agenda that confirms the eligibility criteria has been met, it shall be an eligible council for the duration of the eligibility period, i.e., it will be eligible to use the General Power from the time that the resolution is passed until the day of the next annual meeting of the council that takes place in a year of ordinary elections. This means the power is held for the duration that the current council is elected. The council will need to pass a further resolution following ordinary elections in four years time at the annual meeting if it wishes to retain the General Powers.

The GPC allows the council to do anything that individuals generally may do. The power allows the council to act anywhere in the UK and the power to do it for a commercial purpose or otherwise for a charge, or without charge. It is not limited by the existence of any other power of the authority that may overlap. There are limits on charging and on doing things for commercial purposes.

In many cases, councils that agree the GPC do not use the additional powers. However, it is useful to have them so that if the council wishes to undertake an initiative, the legal powers are there to be used.

Peter Stanley
Executive Officer
8/5/2019