

General Power of Competence

03 May 2023

OVERVIEW

The Parish Council, now having 5 elected councillors, is eligible to adopt the General Power of Competence. Once adopted this remains in place until the next ordinary council election.

GENERAL POWER OF COMPETENCE (GPC)

The General Power of Competence (GPC) gives the power to an eligible council to do “anything that individuals generally made do”¹ under the Localism Act 2011, ss1-8, subject to statutory prohibitions, restrictions and limitations, in place before and after the introduction of GPC.

It is the “power of first resort”, but cannot be used to circumvent other current legislation.

There is not expenditure limit and GPC can be used for activities inside and outside the parish (cf Local Government Act s137²).

To be eligible the council must have, at the point of resolution³:

- a) at least two-thirds of councillors having been elected, and
- b) a qualified Clerk – holding CiLCA or a recognised level 4 qualification.

Eligibility is confirmed by minuted resolution at a full council meeting, and at each Annual Council meeting after an ordinary election.

¹ Localism Act 2021 s1(1)

² Local Government Act 1972 s137(4) and s137(1), Localism Act s1(4)(b) and s1(4)(a)

³ The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012