

General Power of Competence Updated March 2022

The council confirmed the General Power of Competence at its full meeting on 28th March, 2022.

It first adopted the GPC at its meeting on 31st October, 2016 after It became eligible after the clerk gained the CILCA - Certificate in Local Council Administration – qualification.

The power is contained within the 2011 Localism Act (sections 1-8). Broadly the GPC gives local authorities the power to do anything (legal) that individuals generally may do.

The criteria are that two thirds or more of a council's members must be elected (which can include members returned unopposed), that the council's regularly employed clerk must be trained in a sector recognised qualification, and that a full meeting of the council has to resolve these criteria are met and minute the decision.

A council must confirm that it still meets the criteria at the next annual meeting after an ordinary election.

There are, however restrictions on use of the power which are 1) that statutory duties remain in place so the council must continue to abide by those; 2) laws and legislation cannot be overridden; 3) if there is already power to act any caveats on that power still apply; and 4) if a service is a statutory duty of another authority it remains that authority's duty to provide it.

As examples a council might use this power to: run a Post Office and shop, but they would have to set up a company to trade; a council could build affordable homes, but the council would still have to abide by the planning regulations of the statutory authority; it could in theory even lend money to support a local school stay open, but the council would have to work with the statutory authority responsible for the education service.