

## Roy Balgobin

### LO7 General Power of Competence (GPC) (England)

The \*Localism Act 2011 Sections 1 - 8 gives Councils (who meet the criteria) the 'power' to do anything that an individual can lawfully do (or is not specifically prohibited to do). It is a power of first resort unlike S.137 which is a power of last resort.

An \*\*eligible council: -

1. At least two thirds of its Members must have been declared elected.
2. The Clerk should be 'Cilca' qualified
3. Resolved to adopt the GPC.
4. A further resolution is required at the Annual Meeting of the Parish Council in the year of ordinary elections (and again 2 thirds of the Members need to be elected).

A Council could use the GPC :-

1. To run a Community Shop or Post Office. Care should be taken to ensure that it doesn't undermine another local business (**risk**) and ensure that it complies with regulations/law (**restriction**).
2. Assist in providing a service (for example computer classes). The appropriate Local Authority still have a statutory duty to provide education but this can be in addition (**restriction**).
3. Lend or Invest money. Council should take care not to damage the Councils reputation (**risk**), should still comply with financial regulations/procedure (**restriction**). Council can't use the power to raise taxes/precept (**restriction**).

Notes:

\* The general power of competence was brought into force by SI. 961, The Localism Act 2011 (Consequential Amendments) Order 2012 on 28<sup>th</sup> March 2012

\*\* The conditions for eligibility are set out in the Statutory Instrument, Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012

## **References/web links**

### **Localism Act 2011**

[www.legislation.gov.uk/ukpga/2011/20/contents/enacted](http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted)

### **Parish Councils (General Power of Competence)**

[https://www.google.co.uk/webhp?sourceid=chrome-instant&rlz=1C1AVNE\\_enGB702GB704&ion=1&espv=2&ie=UTF-8#q=general+power+of+competence+localism+act+2011](https://www.google.co.uk/webhp?sourceid=chrome-instant&rlz=1C1AVNE_enGB702GB704&ion=1&espv=2&ie=UTF-8#q=general+power+of+competence+localism+act+2011)

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[http://www.local.gov.uk/c/document\\_library/get\\_file?uuid=83fe251c-d96e-44e0-ab41-224bb0cdf0e](http://www.local.gov.uk/c/document_library/get_file?uuid=83fe251c-d96e-44e0-ab41-224bb0cdf0e)

**The General Power of Competence: An introduction to key facts for local councils**

<http://documents.hants.gov.uk/community-support/Appendix2c-WorkingTogetherGeneralPowerofCompetence.doc>