



# GENERAL POWER OF COMPETENCE

TOWN COUNCIL MEETING

REPORT 62/12

12 NOVEMBER 2012

The purpose of this Report is to provide Members with relevant information on the new General Power of Competence as a basis for resolving to adopt the new power.

## No. DETAIL

### 1) BACKGROUND

- a) Since their formal establishment by the Local Government Act 1972 the work of Town and Parish Councils have been limited by the requirement to act only within the specific powers granted within that act and subsequent additions to them.
- b) While the list of powers is quite lengthy, they do not permit a wide range of activities that Town and Parish Councils could engage in and the exercise of allocating each action to a specific power is at best time consuming and at worst jesuistic.
- c) Government discussions of what has finally become the General Power of Competence date back nearly 30 years to 1983. In the discussions about decentralisation of powers the concept became a cross-party policy and a first attempt to widen the basis for local action came with the introduction of the *power of wellbeing* included in the Local Government Act 2000.
- d) However, due to uncertainty about its coverage it was not widely used and the Conservative party in opposition produced a document *Control Shift: returning power to local communities* in 2009 that explicitly referred to a *general power of competence that will free [town and parish councils] to carry out any lawful activity on behalf of their community*.
- e) This became law with the passing of the Localism Act 2011.

### 2) GENERAL POWER OF COMPETENCE

- a) The General Power of Competence allows *eligible* councils to:
  - carry out any lawful activity;
  - undertake any lawful tasks;
  - operate any lawful business; and
  - enter into any lawful transaction.
- b) As a consequence, instead of being able to act only where the law says they can, local authorities (including town and parish councils) are able to do anything provided they do not break the law.
- c) The power – known as GPC – came into force from 18 February 2012 by means of the Localism Act 2011 (Commencement No. 3) Order 2012.

### 3) ELIGIBILITY

- a) There are three requirements a Town or Parish Council must fulfil before it becomes *eligible* to exercise the new power:
  - two-thirds of its Members must have been elected or stood for election;
  - its Clerks must hold one of the recognised qualifications; and
  - its Clerks must have completed the training in the General Power of Competence.
- b) These criteria are all complied with at this time.

### 4) RECOMMENDATION

The Town Council is recommended to agree the following resolution:  
Ventnor Town Council meets the conditions of eligibility required to exercise the General Power of Competence as set out in the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 with immediate effect.