

POULSHOT PARISH COUNCIL

The General Power of Competence

The General Power of Competence is a statutory power available to eligible town and parish councils in England provided for in the Localism Act 2011. As a parish council you must decide, at every 'relevant'ⁱ annual meeting of the council that you meet the criteria. If it is agreed that the criteria has been met, a resolution to this effect is then required, clearly written and recorded in the minutes of the meeting. It is also permitted to resolve that the criteria has later been met at any full council meeting within the term of office, ie if required, after the 'relevant' annual meeting.

The General Power of Competenceⁱⁱ (GPC) allows local authorities the legal capacity to do anything that an individual can do that is not specifically prohibited. Eligibilityⁱⁱⁱ to use this power is attained when at least two thirds of the total number of councillors have been elected, passed a resolution confirming that the council is eligible, and that the clerk holds one or more of the following:

- Certificate in Local Council Administration (CILCA),
- Certificate of Higher Education in Local Policy or in Local Council Administration
- First level of the foundation degree in Community Engagement and Governance awarded by University of Gloucestershire.

The resolution of eligibility must be passed every four years at the first annual meeting after an election. GPC allows a council to undertake the following activities:

- Running a community shop or post office
- Provide services such as community transport
- Lend money with interest

Community and Environmental Implications

As a corporate body the council, using GPC, can only trade if it sets up a company or co-operative society for this purpose^{iv}, it still has to comply with all restrictions regarding, laws and financial duties that govern all businesses and it runs the same risks as face any private individual who undertakes them but with the added risk of:

- Damage to its reputation
- Damage to other local activities or enterprises
- Lack of community support

Risk Assessment

As stated at Community and Environmental Implications as well as further restriction that the council must not override the statutory prohibitions^v on a local council discharging the functions of other local authorities, such as highways and planning etc.

Recommendation

That Poulshot Parish Council resolves that as of the 1st October 2022 it meets the criteria to enable it to qualify as an eligible parish council to use the General Power of Competence (GPC).

ⁱ A 'relevant' annual meeting is the annual meeting (mayor making) of the council after the ordinary election that normally takes place every four years. The confirmation does not have to take place every year.

ⁱⁱ Localism Act 2011 ss. 1-8

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

^{iv} Localism Act 2011 ss.4 (2)

^v Localism Act 2011 ss 2