

WEST HALTON AND COLEBY PARISH COUNCIL

GENERAL POWER OF COMPETENCE

The General Power of Competence (GPC) is found in the Localism Act 2011, Sections 1-8. S1 states “*A local authority has the power to do anything individuals generally may do*”. It is the ‘power of the first resort’.

Criteria:

- At least two thirds (rounded up) elected councillors.
- A qualified Clerk, i.e. hold the Certificate in Local Council Administration or a Level 4 University qualification.

The Council must resolve at a full Council meeting to adopt the power. It must be minuted and reaffirm eligibility at every annual meeting after ordinary elections.¹

Restrictions:

- GPC doesn’t sanction income generation. The power is not a source of money but a parish council can nevertheless charge for services provided as they are not required to provide free services.
- Cannot create by-laws as an individual cannot create these, and therefore the specific original legislation must be used.
- Statutory duties remain in place e.g. crime and disorder considerations, biodiversity considerations and other duties (allotments etc).
- Must comply with company, health & safety and employment law.

Activities:

- Invest in a local business with due reference to Government advice.
- Support a school but statutory duty for education remains with the Local Education Authority therefore will be subject to their approval or consent.
- Set up a company to provide a service but must abide by company law.

¹ Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012