

General Power of Competence

The Localism Act 2011 replaced the power of well-being with the General Power of Competence.

The General Power of Competence (GPC) is intended to give local authorities (including parish and town councils) wider powers to deliver more for their communities. The GPC will allow a council to do anything that individuals generally may do, except where other aspects of law may forbid them from doing. For example put someone in prison. It is intended to relieve councils of the need to find specific statutory powers to authorise their activities.

Councils not being eligible to make use of the GPC can only do those things which they are specifically empowered to do by statute. It is envisaged this power will provide parish and town councils with a greater freedom to act.

It is anticipated that the regulations will confirm that to be eligible to exercise the GPC a parish council must conform with the following:-

- at least two thirds of the total number of councillors have been elected (at ordinary or by election), not co-opted, at the meeting the resolution is passed to confirm that the council is eligible
- the council's clerk holds either
 - Certificate in Local Council Administration (CILCA); for those that took the old CiLCA 2012 syllabus they should also have passed the newer Section 7 which is to test knowledge of the general power
 - or level 4 qualification awarded by the University of Gloucestershire, (eg the Certificate of Higher Education in Local Policy, or foundation degree in Community Engagement and Governance
- the clerk should (not mandatory) complete relevant training in the GPC provided in accordance with the national training strategy, (we would recommend that clerks attend training before submitting section 7 referred to above).
- having met the above conditions, the council passes a resolution to confirm this and it is clearly minuted.

Duration

Once the council has decided that it meets the conditions, it retains the ability to use the general power until the annual meeting of the council in the next ordinary election year. At that point the council must again decide that it meets the conditions, to be able to start any new activity relying on the general power. If it does not meet the conditions, it can complete activity which it has begun in the exercise of the general power, but not start anything new.