

Sharnbrook Parish Council

General Power of Competence

The General Power of Competence is found in Part 1 of the Localism Act 2011 (the competence power) S 1 to 8. It is a statutory power and gives eligible councils the power to do anything that individuals generally may do.

An authority can use the general power of competence inside or outside the parish area and it need not show that the action benefits the authority or its area or its residents. There is no limit on expenditure under the general power of competence. The general power of competence has replaced the power of well-being, which is no longer available to local authorities in England.

There is a limitation and that is the general power of competence cannot be used where there is a restriction or limitation in an existing specific power as they will still remain e.g.

- Cannot pay allowances to members because there is already specific legislation restricting what allowances may be paid.
- Cannot be used where the primary purpose of an activity is to raise money but it could be used to invest, subject to guidance, in a company or a co- operative society.

The following are examples it can be used for:

- Running a community shop or post office
- Investing in a local co-operative society
- Setting up a company to provide a service - community transport.
- Cutting highways verges but this would need permission from the County Council.
- Providing a grant to an individual, e.g. an Olympic/Paralympics athlete, Scout.

Parish Councils who are eligible to use the General Power of Competence lose the s.137 Local Government Act 1972 power.

In order to adopt the power, the Council must meet the following criteria:

- A minimum of two-thirds of vacancies on the council filled at the last ordinary elections. This includes councillors who stood for uncontested elections, but not co-opted councillors.
- Eligibility lasts until the annual meeting of the council immediately after the next ordinary elections, May 2027, but can be renewed at that meeting provided the conditions are still met.
- A qualified clerk who holds the national qualification and has completed relevant training i.e. Certificate in Local Council Management (CiLCA).
- The Council must resolve at a full parish council meeting that it meets the above criteria at that time. A further resolution must be passed at every annual meeting of the Council after the ordinary elections; this normally takes place every four years.

The Parish Council at this time has two thirds of members who were elected at the last full election in May 2023 and have a qualified Clerk who has achieved a Certificate in Local Council Administration (2015). Therefore, the Council is eligible to adopt the General Power of Competence as a power of first resort at the meeting of the Full Council on the 9th May 2023

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Resolved at the Full Parish Council meeting held on the 9th May 2023 that Sharnbrook Parish Council is eligible to use the General Power of Competence (Localism Act 2011 sections 1-8) as the number of members elected at the 2023 ordinary elections is equal to or greater than two thirds of the total number of seats on the Council and that the Council has a qualified Clerk, as defined in section 2 of The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 (Statutory Instrument 2012 No. 965).

Helen Glanville

Clerk to Sharnbrook Parish Council.