

Agenda item To adopt the of General Power of Competence

Report on General Power of Competence (Localism Act 2011) and differences between S137(4)(A) of the Local Government Act 1972

General Power of Competence (Localism Act 2011)

The Act says that a local authority has the power to do anything that individuals generally may do.

This includes the power to do an act anywhere in the United Kingdom or elsewhere and the power to do it for a commercial purpose or otherwise for a charge or without charge for the benefit of the authority and its area or persons resident and present in its area.

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

Clerk must hold the Certificate in Local Council Administration.

Elected members must be equal to or great than two thirds of the total number of members of the council.

Clerk must have received the relevant training.

Council must resolve each year at Full Council to adopt the power.

Examples of the use of GPC are

Running a Youth Club or Library

Run a local community post office/shop

Investing in a local co-operative society

Setting up a company to provide a service - community transport

S137(4)(A)

Permits the Town Council to spend on activities for which it has no specific powers if the Council considers that the payment/grant will bring direct benefit to the parish area to all or some of its residents. It cannot be paid to an individual nor retrospectively.

Examples of S137 grants are

Local Groups

Local Charities

Flood Relief

Prizes for fund raising locally

History

Resolution

Southwell Town Council is eligible to continue to use the General Power of Competence (Localism Act 2011 sections 1-8) as the number of members elected at the 2019 ordinary elections is equal to or greater 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).

