

Appendix – GPC

The general Power of Competency (GPC) is enshrined in the Localism Act 2011, S1 to 8. The GPC (LA 2011 s1(1)) gives councils “the power to do anything that individuals generally may do” within the law. GPC is available to councils that meet two eligibility criteria (LA 2011 s8) as set out in Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012. These are:

1. At the time the council resolves that it meets the criteria, the number (rounded up) of councillors elected at the last ordinary election, or at a subsequent by-election, must equal or exceed two thirds of its total number of councillors.
2. The clerk must hold at least one of the sector-specific qualifications and should have completed the relevant training designed as part of the National Training Strategy for Local Councils.

Eligibility

To confirm eligibility a council must resolve at a full meeting, that it meets the criteria for eligibility at that exact time. The resolution must be minuted. To reaffirm eligibility a council must make a new resolution at every ‘relevant’ council annual meeting to confirm it still meets the criteria. Eligibility remains in place until the first annual meeting of the council after the ordinary election.

S137 and the Power of Well-Being (PWB)

If a Council does not take on the general power of competency, then it is still able to carry out activities under the Local Government Act 1972 s137. However, this power does not include all the freedoms of the GPC and as such may limit the Council’s aspirations.

- The money that can be spent under the Local Government Act 1972 s137 is limited while the power is restricted by regulations for use and scope; for example, councils must keep specific accounts for s137, they cannot use the power to give money to individuals and spending must be commensurate with the benefit gained. In addition, a council can’t use s137 if another specific power exists. A council that takes on the GPC can no longer use s137 as a power for taking action for the benefit of the area or its community (Sch 1(1))
- The limit on s137 spending in 25/26 is set by Government at £10.81 per elector. Broadstone has a total projected electorate of 8,960 this equates to £96,857.60. There are no limits to expenditure under GPC.