

MELBOURN PARISH COUNCIL
Full Council Meeting : 10 May 2022

Adopting the General Power of Competence

Requirements

The Council may resolve to adopt the General Power of Competence as per the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 and Localism Act 2011, at the Council's Annual Meeting.

Council must meet the following criteria in order to adopt the GPC:

- Clerk must hold the mandatory Certificate in Local Council Administration (CiLCA) qualification; and
- more than two thirds of Councillors were elected at the Parish Council elections on 5 May 2022 (MPC now has 11 elected cllrs out of a possible 15 available seats).

What is the GPC?

The scope of the General Power is set out in sections 1 to 6 of the Localism Act 2011.

In summary, the GPC enables councils to do things:

- an individual may generally do
- anywhere in the UK or elsewhere
- for a commercial purpose or otherwise, for a charge or without a charge
- without the need to demonstrate that it will benefit the authority, its area or persons resident or present in its area (although in practice councils will want to realise such benefits).

Limitations include

There are some limitations on the General Power, either because they are not things which an individual can do or because they are excluded by the Act. The GPC will not:

- provide councils with new powers to raise tax or precepts or to borrow
- enable councils to set charges for mandatory services, impose fines or create offences or byelaws, over and above existing powers to do so
- override existing legislation in place before the Localism act 2011, so-called 'pre-commencement limitations' (however powers enacted after commencement of the GPC will only limit the GPC if this explicitly stated in the legislation).

Further information is available at

<https://www.local.gov.uk/sites/default/files/documents/general-power-competence--0ac.pdf>