

This Power became available to eligible local Councils with the Localism Act 2011, Chapter 1 of Part 1, S1-8, allowing them to do things they have previously been unable to do under existing powers. It allows “the power to do anything that individuals generally may do”ⁱ

Eligibility:

- Two thirds of a Council must have been electedⁱⁱ and have a qualified Clerkⁱⁱⁱ
- Resolution of Council to confirm the electoral requirement and the relevant qualifications of the Clerk at any meeting of the Council, Resolution must be renewed at an Annual Meeting following an election to maintain the ability to use the Power.

Restrictions to the use of the power :

- cannot be used to raise the precept
- must have support from the local community
- must not conflict with relevant existing legislation
- must not conflict with existing financial and procedural regulations

Can be used for:

- Lend or invest money - risk: being challenged, needs community support
- Set up a trading company – risk: damage to competing local enterprise, abiding by company law and other relevant legislation^{iv}
- Expenditure outside the parish for larger community benefit – risk: being challenged, needs community support

The Power gives Councils far wider freedom to spend money for community benefit than LGA 1972 S137 but, once adopted, the S137 can no longer be used.

ⁱ The General Power of Competence, Localism Act 2011 Sec 1(1) and Statutory Instrument, Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012

ⁱⁱ As determined by the electoral mandate

ⁱⁱⁱ Certificate in Local Council Administration (post 2012), First level of the Foundation degree in Community Engagement & Governance awarded by the University of Gloucester (post 2012) Certificate of Higher Education in Local Policy

^{iv} Employment law, Health & Safety legislation, equality legislation, data protection Act 1998 and Freedom of Information Act 2000.

Form CFF – Section 7 GPC (CiLCA)

Candidate name	Anne Frith
Candidate number	762
Council name	Looe Town Council
County Training Partnership	Cornwall

Assessor's comments

Anne,
You have provided a full explanation, with reference to the appropriate legislation, of the General Power of Competence. Your account of the two eligibility criteria and the process for confirmation and reaffirming eligibility is sound. The three activities are relevant and provide a suitable overview of the associated restrictions and risks.

Outcome

Pass

You have demonstrated a suitable understanding of the General Power of Competence and its relevance to Looe Town Council.