

The general power of competence (GPC) was given in the Localism Act 2011 s1-8. It gives councils¹ including eligible parish councils the power to do anything that an individual² can do. GPC is the power of “first resort” as a council does not need to check whether they have a specific power provided the activity is not illegal. Its purpose is to make it easier for eligible councils to act quickly and innovatively in the community³ Unlike s137, there is no expenditure limit nor the requirement to show it benefits the community⁴ A council with GPC, cannot use s137.⁵

Eligibility Criteria⁶:

- i. **Elected councillors** – a minimum of two-thirds of councillors are elected.⁷
- ii. **Qualified clerk** - The clerk has a recognised public sector-specific qualification⁸ (includes CiLCA)
- iii. **Resolution** - The council resolves it is eligible.

Process for confirming/reaffirming⁹ - Confirmation of eligibility is by resolution at any full council meeting. The council must reaffirm GPC by resolution that it is still eligible at every subsequent annual meeting held in the year of ordinary elections (the “relevant” meeting.)

Three activities Bilbrook Parish Council might undertake using GPC.

Activity	Restriction	Risk
Take over the post office or pub.	<ul style="list-style-type: none"> • Charges must recover the cost, not generate profit¹⁰ or it becomes a commercial venture & a specific type of company should be set up¹¹ • Competition Laws¹² 	<ul style="list-style-type: none"> • Making a loss.
Grant to youth worker to work with troubled teenagers	<ul style="list-style-type: none"> • Statutory duties of other bodies. • Safeguarding legislation¹³. 	<ul style="list-style-type: none"> • Council’s reputation if the project fails. • Sustainability – relies on the individual.
Rewilding highways verges	<ul style="list-style-type: none"> • Highways Authority permission needed. 	<ul style="list-style-type: none"> • Unpopular with residents who prefer neatly cut verges

¹ **The Localism Act (LA) 2011 s8(1)** – county council, district councils, London borough council, the Common Council of the City of London in its capacity as a local authority, the Council of the Isles of Scilly, or an eligible parish council.

² **The LA 2011, s1(1)**

³ **The LA 2011, s1(4a)** , Councils are not restricted to undertaking activities in the parish – they can undertake activities using the GPC anywhere.

⁴ **The LA 2011 s1(4c)** – although it may not be a good idea as it may not be popular with residents.

⁵**The LGA 1972, s137(3)** still permits the council to contribute to UK charities, public sector funds and public appeals even if it has GPC.

⁶ **Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012/965**

⁷ As opposed to co-opted Bilbrook has 13 councillors of which 12 were elected (requirement = 8.7 rounded up to 9)

⁸ The recognised sector-specific qualifications are: The Certificate in Local Council Administration (CiLCA) and the higher education qualifications for clerks awarded by the University of Gloucestershire (The Certificate of Higher Education in Local Council Administration, The Certificate of Higher Education in Local Policy, The first level of the Foundation Degree in Community Engagement and Governance (the Level Four course) and any equivalent successor qualification)

⁹ **Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, s.1**

¹⁰ **The LA 2011, S3(2c)**

¹¹**Companies Act 2006** – Community Interest Companies (CIC’s) are subject to the provisions as a limited company.

¹² **Competition Act 1998** - The activities of the council may compromise other local businesses.

¹³ **Children Act 1989** – One of the main pieces of legislation relating to safeguarding of children.