

REPORT TO FULL COUNCIL

GENERAL POWER OF COMPETENCE



Report Reference C-23-04
Meeting Date 22nd May 2023
Agenda Item 12
Prepared by Town Clerk

1.0 INTRODUCTION

Parish and Town Councils are ‘creatures of statute’ and may only act within the powers conferred by various Acts of Parliament and in undertaking any activity the council must always be satisfied it has the necessary power to act.

The Localism Act 2011 introduced the General Power of Competence, a power of first resort which empowers the council to do ‘anything an individual generally may do’. The power is intended to enable councils to act without the need to identify specific powers and to broaden the ability of a council to undertake activity for the benefit of its area. The primary limitation of the power is that it cannot be used to undertake activity for there is a statutory prohibition.

The power can be adopted by councils by resolving it meets the criteria set out in the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, namely:

- a) That a minimum of two thirds (66%) of its members have been elected
- b) That the Clerk holds a relevant qualification

The resolution must be repeated at each annual meeting following ordinary elections. The Town Council first adopted the power in 2013 and subsequently in 2015 and 2019.

The council continues to meet the eligibility criteria with 100% of members elected and the Town Clerk holds the relevant qualifications.

2.0 DECISIONS REQUIRED

To resolve that in accordance with the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 the Town Council meets the conditions set out to exercise the General Power of Competence.