

## **SHEPTON MALLET TOWN COUNCIL**

Meeting	Policy and Resources Committee Item 7.11
Date	5 <sup>th</sup> January 2021
Author	Charlotte Starkie, Town Clerk
Subject	General Power of Competence

### **1.0 PURPOSE OF REPORT**

- 1.1 To update councillors on the conditions that must be met in order to secure the General Power of Competence.
- 1.2 To note that the council has temporarily lost its General Power of Competence due to insufficient councillors having been elected, which is one of the qualifying criteria.

### **2.0 BACKGROUND INFORMATION**

- 2.1 The Localism Act 2011 introduced the General Power of Competence, replacing the Power of Wellbeing.
- 2.2 The General Power of Competence (GPC) is intended to give local authorities, including town and parish councils, wider powers to deliver more for their communities. The GPC will allow a council to do anything that individuals generally may do, except where other aspects of the law may forbid them from doing (for example putting someone in prison, or building without planning permission). It is intended to relieve councils of the need to find specific statutory powers to authorise their activities.
- 2.3 Councils not being eligible to make use of the GPC can only do those things which they are specifically empowered to do by statute. Each decision must be supported with the specific power that expenditure can be met from.
- 2.4 If the council meets the conditions it retains the ability to use the GPC until the annual meeting of the council in the next ordinary election year (ie 4 years' time), unless any of the conditions change. At that point the council must again decide that it meets the conditions in order to start any new activity relying on the GPC. This is a four-year cycle.
- 2.5 If it does not meet the conditions, it can complete activities which it has begun in the exercise of the GPC, but must not start anything new.
- 2.6 This council does not meet the conditions currently due to insufficient councillors having been elected at the meeting in May 2019, following the co-option of 3 councillors (Cllrs Faith, O'Connor and Kayum) and the vacancy of a further three councillors.
- 2.7 In order to acquire and retain the GPC the council must conform to the following:
  - a) At least two thirds (66%) of the total number of councillors must have been elected (at an ordinary election or a by-election (not co-opted)) at the meeting

where the resolution is passed to confirm that the council is eligible. In his case the meeting on 14<sup>th</sup> May 2019.

- b) The Town Clerk holds the Certificate in Local Council Administration, including the test on the GPC.
- c) The Town Council, having met the conditions, passes a resolution to confirm this.

### **3.0 RECOMMENDATIONS**

3.1 To note the report and that the GPC hopefully will be restored when the by-election is held post May 2021.