



**TOLLESBURY**  
PARISH  
COUNCIL

## **GENERAL POWER OF COMPETENCE**

### **Summary**

Town and Parish councils are corporate bodies whose powers to act have accumulated through legislation since 1894. Their powers were constrained by specific and appropriate legislation until 2008 when they could, if eligible, exercise the Power of Well-being 2008 Order under the Local Government Act 2000, for the benefit of their community.

The Localism Act 2011, Chapter 1 of Part 1, Sections 1-8 has provided local authorities with a general power of competence, a radical new power with wide ranging possibilities, which replaces the power of well-being.

The general power of competence was brought into force by SI. 961, The Localism Act 2011 (Consequential Amendments) Order 2012 on 28th March 2012.

The power is a central part of the Government's move towards the decentralisation of powers down to the lowest practical level of local government. The idea being that councils will use this power to work with others to provide cost-effective services and facilities in new ways to meet the needs of local communities.

The General Power of Competence, Localism Act 2011 Sec 1 (1) gives local authorities, including eligible local councils, "the power to do anything that individuals generally may do" as long as they do not break other laws. It is intended to be a power of first, not last, resort. The council has to ask itself if an individual is allowed to do it, if the answer is yes then a council is normally permitted to act in the same way.

### **To become eligible to use the power of general competence**

#### **1. Resolution**

The council must resolve at a meeting that it meets the criteria for eligibility relating to the electoral mandate and relevant training of the clerk. The resolution can be passed at any meeting of the council but a further resolution must be passed at every subsequent "relevant annual meeting" for the council to be able to continue to exercise the power.



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## **2. Electoral Mandate**

At the time the resolution is passed, at least two-thirds of the members of the council must hold office as a result of being declared elected. Full Membership is 11 Councillors and currently, the Parish Council has 10 elected councillors.

## **3. Qualified clerk**

At the time the resolution is passed the clerk must hold the Certificate in Local Council Administration, the Certificate of Higher Education in Local Policy, the Certificate of Higher Education in Local Council Administration or the first level of the foundation degree in Community Engagement and Governance (or successor qualifications) awarded by the University of Gloucestershire. The clerk must also have completed training in the exercise of this power as part of one of these qualifications or as a separate exercise.

Tollesbury Parish Council meets all 3 criteria, and could if it chooses, resolve to use the Power of General Competence as and when appropriate.

16<sup>th</sup> May 2023